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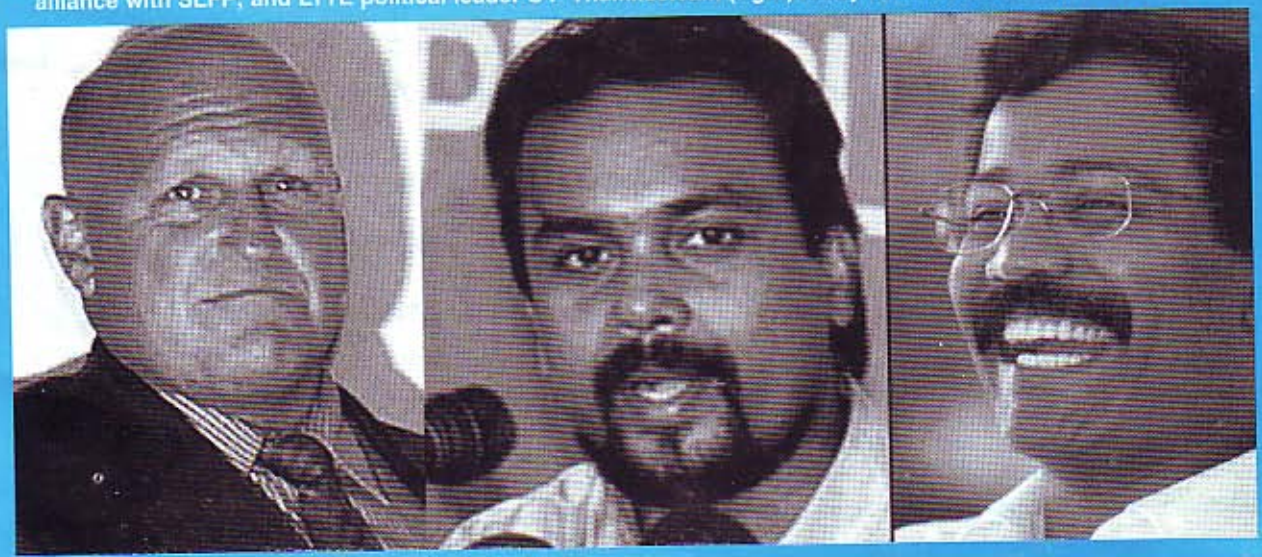
President Chandrika Kumaratunga and Premier Ranil Wickramasinghe (top) locked in power struggle; US Dep. Sec. of State Richard Armitage (left) putting pressure for cohabitation; JVP leader Vimal Weerawansa (centre) forming alliance with SLFP; and LTTE political leader S P Thamilselvam (right) ready for talks with Chandrika or Ranil



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*-Voltaire*

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# The SLFP - JVP Alliance

By the time these lines are read, the proposed formal alliance between the Sri Lanka Freedom Party (SLFP) - Janatha Vimukthi Peramuna (JVP) would have been formally signed on 20 January 2004 reportedly at an 'auspicious time'. Sri Lankan politics will enter into unchartered political waters with this alliance between two strange political bedfellows, avowed political enemies for over three decades.

Many have characterized the SLFP-JVP alliance as one of opportunistic convenience rather than one of convergence on principles or policies. For it was during the 1970 United Front Government headed by Mrs. Sirima Bandaranaike as leader of the SLFP that the JVP launched its first adventurist foray into insurrectionary violence and paid the costly price with over 10,000 youth dead when the government of the day, with international support, violently suppressed the insurgency.

Not learning any lessons from its previous tragic fiasco, almost fifteen years later, during the post-1985 period when J R Jayawardene and R Premadasa were Presidents, the JVP engaged in its much more violent adventurist insurgency accompanied by a sustained campaign of unimaginable terror in which a countless number fell victim to its spree of politically motivated killings, one among which was the murder of none other than the charismatic actor-turned-politician, Vijaya Kumaratunga, the husband of the present leader of the SLFP and the country's President, Mrs. Chandrika Kumaratunga. The State struck back with counter-terror of unprecedented severity and ruthlessness in which tens of thousands perished, among whom were the charismatic founding leader of the JVP Roahana Wijeweera and many of his comrades in the leadership who were summarily executed and disposed of with little mercy or and without much ceremony. Many in the leadership of the JVP today were hardly there at leadership level at that time.

It has been said that in politics there are no permanent friends, but only permanent interests. In Sri Lanka's case, it seems that there are no permanent enemies either for that ought to explain the rationale for the present political marriage of convenience between the JVP and SLFP.

And what are these interests that have propelled the formation of present alliance between the one time avowed political enemies?

Since independence, the island has been ruled by successive governments headed either by the United National Party (UNP) or the SLFP. However, experience in electoral politics has established that the whenever the SLFP was able to come to power, it was possible only with an alliance with left parties including the Lanka Sama Samaja Party (LSSP) and the Communist Party (CP). This was the case in 1956, 1960, 1970 and 1994.

The LSSP and CP from the 1940s to the 1970s were powerful parties on the left with substantial support in many parts of the country with party branches and youth leagues functioning in almost all districts. They had under their political leadership and control almost the entire trade union movement. These parties also had well known leaders of acknowledged intellect and stature who were regarded as political giants even by their enemies. They were respected and much acclaimed for their eloquent performances in parliament and display of oratorical skill outside at mass meetings where they were able to keep tens of thousands of people spell-bound for hours. Even at the worst of times, these parties between them were able to win at least 15 to 20 seats in parliament. However since 1977, with the demise of their popular and powerful leaders, their decline in support, popularity and organisational strength has become a sad but truthful fact. They have become a pale shadow of their long and powerful past. Today they are in no position to give the support the SLFP needs to defeat the UNP at an election. Therein lies the interest and compulsion of the SLFP to forge an electoral alliance with the JVP which in recent years would appear to have grown in strength and might provide the much needed support to defeat the UNP. Viewed from this perspective, the alliance has become a historical necessity for the SLFP in the context of the configuration of electoral forces in the country.

As for the JVP, which has been denouncing the old left parties as 'class collaborators' for joining the SLFP in coalition and accused them of betraying the revolutionary road to socialism and taking the parliamentary path of petty-bourgeois revisionism, a space has opened up to enter into the mainstream of parliamentary politics filling the vacuum left by the old left by forging an alliance with the SLFP. In this sense, what the JVP is doing is to enter into the old shoes that the old left has been wearing during the last several years. One can expect the JVP leaders to gradually drop their so-called revolutionary Marxist rhetoric acclimatizing themselves to their newly found role and transform themselves into respectable performing parliamentarians enjoying the power and position they are able to secure.

But the proposed alliance is fraught with unpredictable consequences, especially in relation to the ethnic problem and the peace process. On issues such as the ceasefire agreement, Norwegian facilitation, devolution of powers towards a federal solution and negotiations with the LTTE, there is more common ground between the SLFP and the UNP. On all these issues, the JVP's stated positions are quite contradictory to those of the SLFP. Unless these contradictions are reconciled with a view to taking the peace process forward, the consequences can turn out to be ominous.

# NEWS REVIEW

## ● SLFP-JVP Alliance to be signed

After months of apparently endless negotiations, it is now certain that the much awaited SLFP - JVP Alliance agreement will be signed at an 'auspicious time' in the morning of January 20 at the BMICH. The SLFP and JVP representatives reached this decision at a meeting held in Colombo 14 January, a media release issued by the Presidential Secretariat said. A joint statement issued under the signature of SLFP General Secretary Maithripala Sirisena and JVP General Secretary Tilvin Silva on 14 January stated that such an alliance was essential to resurrect the country.

Both the SLFP and the JVP have made elaborate arrangements to mark the occasion in fitting style. A special organising committee was also appointed yesterday to be in charge of activities connected with the ceremony.

This committee will be made up of politicians from both parties including Opposition Leader Mahinda Rajapakse, Western Province Governor Alavi Moulana, SLFP General Secretary Maithripala Sirisena, PA Parliamentarians Dr. Sarath Amunugama and Nimal Siripala de Silva, JVP Parliamentarians Wimal Weerawansa, Vijitha Herath and Anura Dissanayake.

Both parties were engaged in wide range of discussions during the past 10 months with the intention of forming a national alliance between the SLFP and the JVP. At present both sides have reached common agreement regarding all matters which had to be ironed out, the release said.

Some political analysts predict that the conclusion of the SLFP- PA alliance would boost the electoral prospects of both parties vis-s-vis the UNF at the forthcoming Provincial Council polls. However others believe that the JVP will gain much more out of this alliance than the SLFP.

With the date now finalised for the formal signing of the alliance, SLFP General Secretary Maithripala Sirisena ruled out a general election in the near future as reiterated by President Chandrika Kumaratunga.

Mr. Sirisena said the alliance would give rise to a considerable change in the history of Sri Lanka's political culture and put the country on the correct economic track.

Given the JVP rhetoric on economic policies, some observers believe that the formation of the alliance will send shockwaves amongst the business community. But SLFP sources sought to reassure that there would be no radical changes in the country's economic policy. They said there were clear signs of compromise on the part of the JVP as against the hard-line stand it used to adopt with regard to economic policies and other matters such as the devolution of power.

Commenting on the new stand of the alliance regarding the ethnic issue, Mr Sirisena said the parties were now ready to accept any solution that the majority of this country wanted. Earlier, the SLFP was supporting the devolution of power while the JVP was insisting on decentralization only. The latest change of stance of the JVP is therefore a clear indication that the alliance is going to be a solid one, he said.

He also said the signing ceremony on Monday 20 January would be held on a grand scale at the BMICH with the participation of some 500 representatives including parliamentarians, professionals and religious dignitaries. The event is due to be celebrated at provincial levels too, he said.

The CP and LSSP, which are constituent parties of the Peoples Alliance (PA) together with the SLFP, have not been involved in the discussions between the SLFP and the JVP. On the contrary they have remained opposed to the SLFP having any alliance with the JVP. Hence with a formal alliance being sealed with the JVP, as of now it is not clear as to what the relationship is going to be with between the SLFP and the LSSP and CP.

The formation of the SLFP-JVP alliance also throws into doubt the ongoing efforts being made to bring about a working arrangement of cohabitation between President Kumaratunga and the Ranil Wickramasinghe led UNF government. Though there are reports that the Samarawickrema-Tittawela Committee is expected to meet again to work out an acceptable arrangement between the President and the Prime Minister, many observers think that there is no point in continuing with these talks as the decision on a political alliance with the JVP had ended whatever the possibility of the PA and the UNF reaching consensus.

Maithripala Sirisena and Tilvyn Silva, the General Secretaries of the SLFP and the JVP in announcing the date for the signing of the pact between the two parties said, "Such an alliance is essential to resurrect the country. We reached consensus on all problems that have to be resolved." While one has to await for the publication of the details of this so-called consensus, one is also intrigued as how a consensus between these parties could have been reached on the issues relating to the ethnic conflict and the peace process given the sharp differences between their respective positions. Whereas the President Kumaratunga and her party have been support of substantial devolution of powers, Norwegian facilitation, ceasefire agreement and peace negotiations with the LTTE, the JVP has been adopting quite a hostile position on these matters. In fact it has continued a sustained campaign to oust the Norwegians from the peace process. If a consensus has been reached, it will be interesting to see which of the parties has given up on their positions on these important matters.

## ● Tigers ready to talk with CBK or Ranil

A senior level LTTE leader, referring to the ongoing power-struggle between the President and the Prime Minister, said that the Tamil Tigers were ready to negotiate with either President or the Prime Minister. On 13 November, the leader of the political wing of the LTTE Mr S P Thamilselvan said, "it did not matter with whom the LTTE negotiated with, as long as that person had a mandate to make peace. It does not matter if it is the executive president or the legislative prime minister, it is only the power that the person holds, the mandate the person holds." But despite their willingness to negotiate with either leader, Thamilselvan cautioned that while the

feud dragged on, the Tamil were starting to lose hope of a return to normalcy.

Thamilselvan said the fate of the peace process was in the hands of Prime Minister Ranil Wickramasinghe and President Chandrika Kumaratunga, whose political feud has raised a question mark about whether the two-year-long ceasefire between the government and the LTTE will hold.

"It all depends on the government and the military machine of the government to ensure that the Tamil people are not pushed towards such a situation to take up arms ever again," he told Reuters.

But he said the LTTE, accused of breaking four previous truces, and would not be the first to break the current ceasefire. "There is a resolute commitment of the Liberation Tigers that they will not be the ones to break it." However he warned, "The anticipation of a return to normalcy is now beginning to dwindle and at a time when the people become restless, then the responsibility of the organisation is such that we have definitely to respond to the feelings of the people."

### ● LTTE vow to observe truce

The Liberation Tigers have given a solemn pledge to the Norwegian facilitators of the peace process in Sri Lanka that their organization would abide by the terms and conditions of the two year old cease-fire agreement and maintain peace, irrespective of the continuing turmoil in Colombo.

The assurance was given on 14 January by the LTTE's theoretician and chief negotiator, Mr. Anton Balasingham, when he met with a Norwegian delegation led by Oslo's Special Envoy to Sri Lanka, Mr. Erik Solheim, TamilNet reported. A similar pledge was given by Mr. S. P. Thamilselvan, head of the LTTE's Political Wing, when he met Norway's ambassador to Sri Lanka, Mr. Hans Brattskar, in Kilinochchi, on the same day.

Mr. Solheim, along with Mr. Erik Giercksky, a senior executive officer of Norway's Ministry of Foreign Affairs and another Norwegian official met Mr. Balasingham at his London residence. They discussed the constitutional crisis in Colombo and the possibility of resuming talks during their three hour meeting. Mr. Balasingham emphasized to the Norwegian diplomats that the LTTE was prepared to participate in negotiations when a stable government assumed power in Colombo. "We are prepared to enter into negotiations with the government that has a mandate for peace from the Sinhala masses and also has the necessary legislative and executive authority to implement decisions," Mr. Balasingham is reported to have told the Norwegians. "We do not want to interfere in the current constitutional crisis between the President and the Prime Minister. We are prepared to wait until the dispute is resolved by the Sinhala leadership. Until such time we will strictly observer the terms and conditions of the cease-fire agreement and will maintain peace."

## ● Left parties urge President/PM MoU

The Nava Lanka Sama Samaja Party (NLSSP), Democratic Left Front (DLF), Sri Lanka Communist Party (SLCP) and Lanka Sama Samaja Party (LSSP) said they had informed Sri Lanka's Prime Minister to sign a Memorandum of Understanding with the President on three points to bring about a conducive environment to restart the peace process.

The three points proposed by the left political parties are:
(1) the opposition Peoples Alliance should halt all steps to form an alliance with racist parties and military forces;
(2) accept the MoU signed with the LTTE as a basis for restoring peace, and
(3) accept the LTTE's interim self-governing authority (ISGA) proposal as an initial step for discussion.

Following the meeting with the Prime Minister on 6 January, NLSSP leader Dr.Wickremabahu Karunaratne at a press briefing said, "If such an agreement or MoU could be reached between the two major political parties we think the defence ministry under the President will not become an obstacle to restart the peace process which has been stalled since April last year," said Dr.Wickremabahu Karunaratne.

Dr.Karunaratne further said that under the present constitution the current political crisis would continue even there was an election. The President also must utilize her strength to achieve lasting peace.

The leaders of four left parties Messrs Dr.Wickremabahu Karunaratne (NLSSP), Vasudeva Nanayakkara (DLF), Indika Gunawardene (SLCP) and Lal Wijenaike (LSSP) met with the Prime Minister Mr.Ranil Wickramasinghe at the latter's official residence "Temple Trees" on the previous day and discussed in detail regarding the current political impasse in taking forward the peace process. Along with the PM, UNF ministers Messrs Professor G.L.Peiris and Rajitha Senaratne participated in the discussion.

### ● Dispute over Presidential term of office

President Chandrika Bandaranaike Kumaratunga in a TV address on 13 January declared that she was constitutionally empowered to continue her present term as President until the end of 2006 whatever arguments are advanced to the contrary.

Summarily dismissing calls by her political opponents that she should hold presidential election before November next year because she had taken an oath of office in December 1999, she said it was up to her to decide whether to step down before this date or otherwise.

Recalling circumstances that forced her to take an oath in December 1999, she said that it was done in an abundance of precaution in the wake of an attempt on her life and the climate that prevailed in the country in December 1999, where emotions ran high following the attempt on her life.

She referred to the snatches of conversation she heard at the President's House while convalescing to the effect that enraged people were planning to attack UNP supporters and Tamils over the attempt made on her life. Adding to this a prominent lawyer well known for his sympathies towards the UNP declared that she was incapacitated and as such could not function as the Head of State. In order to prove otherwise and also to calm the public who were threatening retaliation she had no option but to take oaths as she did at that particular moment.

The President said she took oath as President for her second term in November 2000. "However, had I not taken my oaths again in 2000 I would not be here today as the President of the country," she said.

Quipping that the "UNP has an election phobia and are worried that Parliament will be dissolved soon, the Presi-

dent also dismissed speculation in media reports that she would dissolve Parliament to hold a General Election.

However, the government rejected as "arrogant and unacceptable" President Chandrika Kumaratunga's move to give herself an extra year in office.

Government spokesman G. L. Peiris insisted that the president's term would end in 2005 and rejected Ms. Kumaratunga's claim that it was she who could decide when the term would end.

Prof. Peiris told a news conference that the second swearing-in was "totally unacceptable" to the government. He charged that the "arrogance" of the President was contributing to a serious disruption of governance.

He rejected claims that the double swearing in was made necessary by public fears that she was not physically fit enough to hold office, and that it was in keeping with the Constitutional provisions. "She has no legal argument for this," the Minister retorted, maintaining that such disability could not be brought forward as an issue now.

"No where in the world has such a secret swearing in taken place," the Minister stressed. "Such a swearing-in can't be done in private. Why wasn't the country told about it? Why can't the public be part of such an important occasion? The public needs to be given a clear explanation on this issue," the Minister said, noting that the public voted for her to remain in office till 2005 and not 2006.

"The term will come to an end in 2005, and we will adhere to that. It is not up to public officials to decide on their terms of office at their discretion," he argued. SP

## ● Takeover of Defence, no barrier for peace talks

Reacting to the reported statement by Prime Minister Ranil Wickramasinghe that he was withdrawing from the ceasefire agreement and the peace process and that he could not go ahead process without the defence portfolio, said that the PM had so far not officially informed her or the LTTE leader Pirapaharan that had withdrawn from MoU.

The President also said that the Memorandum of Understanding (MoU) signed by Ranil Wickramasinghe was not a private MoU between him and Prabhakaran but an agreement between the Prime Minister of Sri Lanka and the Leader of the LTTE. Therefore the government and Wickramasinghe were bound to honour that agreement as it was an official document.

Clarifying her position on the MoU, the President said, "Although he never consulted me or informed me of the MoU before he signed it, I extended my cooperation as a responsible person who also wished for peace in the country. There was no question of running away from the peace process as he is Premier of a government responsible to all citizens of Sri Lanka. It was not important whether it was Wickramasinghe or anyone else who was the Premier, the government was responsible for pursuing the peace process."

Described the Prime Minister's claim that he could not continue with peace process without his control over the Defence portfolio 'as idiotic', the President said that in 1994 when the PA came to power, within 9 days after assuming office she had written to Prabhakaran inviting him for peace talks but she did not hold the defence portfolio then. It was at that time held by President Wijetunga and she had initiated the peace process after informing him officially. She said she had never demanded the defence portfolio unlike Wickramasinghe.

"It cannot be forgotten that President Wijetunga was totally opposed to holding peace talks with the LTTE but I made every effort to continue the process as the then Prime Minister. I did not make demands from President Wijetunga like the present Prime Minister," the President said.

In regard to the dispute that arose between the President and PM after she took the defence portfolio under her control, the President said, "After I took over the Defence Ministry which I should hold under the provisions of the Constitution, I made an official request to Premier Ranil Wickramasinghe to nominate a member of the cabinet who could work with me as the deputy minister of defence. I also suggested that even the Premier could be the deputy minister if there was no other suitable person in the UNF government. But he has so far not replied to me and informed me about his decision on this matter."

The President had earlier offered to return the Mass Communications and Interior Ministries while retaining the defence portfolio subject to control over north - east security forces command being gazetted under a newly formed National Security Ministry or the Prime Minister.

The Prime Minister rejected that proposal as being impractical due to the confusion which would entail over the command structure, but proposed the listing of the defence subjects under the National Security Ministry whilst the President remained defence minister. The Prime Minister had stated, he was otherwise not in a position to take responsibility for the peace process. Subsequently, the President Kumaratunga in rejecting the Prime Minister's proposal however made a counter offer to gazette the three services, army, air force and navy under both the President in her capacity as defence minister as well as the Prime Minister.

Meanwhile, a group of leading members of the Sangha of the three Nikayas called on Prime Minister Ranil Wickramasinghe and urged that the peace talks with the LTTE should not be disrupted on grounds that the President had taken over the Defence Ministry. The meeting with Prime Minister Ranil Wickramasinghe was held at Temple Trees on 30 December.

The group comprised the Most Ven. Udugama Sri Buddharakkitha (Mahanayake Thero of Asgiriya), Most Ven. Weligama Sri Gunaratana (Mahanayake Thero of Amarapura Sangha Sabha), Most Ven. Weweldeniye Medalankara (Mahanayake Thero of Ramangna Maha Nikaya), Most Ven. Bellana Gnanawimala Maha Thero of Kotte Sect. Ven. Galagama Attadassi (Anunayake Thero of Asgiriya), Ven. Prof. Warakawe Dhammaloka (Secretary General Asgiriya Chapter) and Senior Member of the Malwatte Chapter Mahopadya Ven. Aluthgama Dhammananda Thero.

The Maha Sangha told the Prime Minister in the presence of Ministers Prof. G. L. Peiris and W. J. M. Lokubandara that President Chandrika Kumaratunga's taking over of the Defence Ministry should not be made an excuse to suspend the peace talks, an important step in the peace process.

Resuming peace talks was vitally important, the Sangha had told the Prime Minister, a member of the delegation told the press. The delegation pointed out that

at no stage of the peace talks here or abroad had Sri Lanka's Defence Minister participated. Accordingly, the Defence Ministry being with the President was no bar to proceed with the talks.

Prime Minister Ranil Wickramasinghe addressing a public rally on 7 January said that certain clauses of the Ceasefire Agreement had become invalid today due to the action of the President in taking over the ministries of defence, interior and mass communications. He said his government entered into the Ceasefire Agreement with the LTTE with the understanding that he controlled the military. He also said that it is not possible to go against the Agreement since it would mean reverting to war. He said he cannot carry on the peace process without the three ministries and called upon the President to re-negotiate or enter into a fresh agreement with the LTTE, in case she wished to keep the three ministries under her charge.

The threat by Prime Minister Ranil Wickramasinghe to relinquish responsibility for the peace process has drawn criticism in varied quarters. Some thought that the Premier had acted without a sense of responsibility in taking the decision.

Wickramasinghe cannot shy away from the peace process and he should renegotiate over the three Ministries with the President in order to bring the peace process back on track, V. Thirunavakarasu, an Executive Committee member of the New Left Front said yesterday. "The Premier pledged to the nation upon arriving in the country from Washington that he will go forward with the peace process. So he cannot simply shy away from the peace process," he added.

World renowned Sri Lankan cinema personality Dr. Lester James Peries, commenting on the position of Prime Minister Wickramasinghe for the peace process, said the Premier should seriously consider his stance at this juncture at a time the whole country is waiting in hope for peace. "Peace is the most important thing for all of us. Peace should prevail in the country since it affects whatever we do. Therefore the main political parties should work together to achieve our long felt dream of an everlasting peace for this country," he said. "However, the UNP politicians are of the view that the President has created the problem by taking over three key ministries under her. But what I believe is that these political issues should not be allowed to hamper the already fragile peace process," he added.

Opposition Leader Mahinda Rajapakse responding to the Prime Minister's announcement asked the Prime Minister not to abrogate his responsibilities of the peace process for mere political gains. "The Prime Minister had committed himself to continue the process. He cannot abrogate responsibility now for purpose of political power and ignore the mandate he was saying he had acted on," the Opposition Leader said.

The Janatha Vimukthi Peramuna (JVP) called for the resignation of Mr.Ranil Wickramasinghe from the post of Prime Minister and from the current parliament if the Prime Minister wanted to withdraw from the two year-old ceasefire agreement (CFA) he signed with the LTTE. The parliamentary group leader of the JVP Mr.Wimal Weerawanse addressing a press briefing said, "what else Ranil Wickramasinghe could do other than resigning the post of Prime Minister and from the parliament if he is unable to become a party to the CFA without defence ministry portfolio." Referring to the claim by Mr.Wickramasinghe that under the CFA the defence ministry should be kept under the Prime Minister, Mr.Weerawanse said no such clause was included in the CFA.

Meanwhile, in a message to the people on "Thai Pongal Day", President Kumaratunga said, "I have instructed all officials to facilitate the efforts by the LTTE to engage in the Peace Process and to maintain the Ceasefire Agreement. We are discussing with the Prime Minister the division of responsibilities so that we can proceed with peace negotiations, on the one hand, and effective governance on the other. We are also making efforts to come to a political understanding with a broad spectrum of political parties and groups in order to strengthen support for a political solution to the ethnic conflict and social justice for all. It is my firm belief that a durable Peace Process is one that is inclusive - including all credible and representative political forces and social groups.

In the meantime the urgent needs of the people living in the war-affected areas cannot wait for the resolution of the political differences among political parties. I shall endeavour to take whatever measures necessary to address the humanitarian concerns of the Tamil people and other communities living in the North and East.

There is a saying in Tamil 'Thai pirantal vali pirakkum' when the month of Thai comes, so will come a way forward. Like you, I hope and pray that this Thai Pongal will also bring a way forward for our country that will enable us to live in peace."

The Government has now asserted that it had not shut the doors for a viable compromise with the President, to come out of the present political impasse. Speaking at the Cabinet media briefing on 14 January Minister Prof. G.L. Peiris said "We certainly have no desire to slam the doors shut." He said the Government was still open to a negotiated settlement on a practical working arrangement with the President for the sake of the peace process. "We have already identified the crux of the problem and the Samarawickrema-Tittawela Committee is expected to resume their dialogue shortly."

Prof. Peiris further said, although the Prime Minister pronounced that he cannot take the peace process forward without control over defence, the government would do everything do obtain the funds pledged by donors to develop the entire country including the North and East. A meeting of donor representatives has been fixed for January 23 to review the progress of the peace process.

Referring to the remarks made by president over the ITN night where she asked why the PM cannot steer the peace process without defence powers when she was prepared to negotiate with the LTTE in 1994 during the Presidency of D.B. Wijetunge when he was holding the defence portfolio, Prof. Peiris said the two situations were totally different and there can be no comparison. "At the time there was no truce between the two warring parties. But now there is, and one signatory to the MoU is the Prime Minister. The truce concerns the three forces over which the PM has no authority now."

### ● SLMC proposes interim constitution

The Sri Lanka Muslim Congress (SLMC) came up with a proposal for an

interim constitution for the country as a formula to reach consensus between "the divergent and the polarised views of the different stake holders."

Addressing the media at the Sri Lanka Ports Authority on 31 December, the SLMC leader and Port and Shipping Minister Rauff Hakeem said that the concept of an interim constitution cropped up during their discussions at the SLMC constitutional council and at recent party high command meetings. "The polarised positions taken by the government, the LTTE and the SLMC need to be bridged by compromise, and the objectives stated in the Oslo declaration be sought after", he said.

Adding that the SLMC considered the interim constitution as the only way to reach a solution among the divergent views, the Minister said no administrative unit should be allowed to be left in isolation, he said "There should be self rule and shared rule."

Commenting on civil society criticism of the peace talks and interim proposal by stake holders having no link for a final solution, he said that it could be overcome by the proper incorporation of interim constitution proposals to the interim council proposals.

Referring to the counter proposal by the SLMC on the N-E interim administration he said that they hope to forward the proposal before the platform is set for the Provincial Council election. "We are also going to campaign for the Interim constitution," he said. "We hope to raise this issue in the North-East MP Forum, academicians, civil society and other important stakeholders."

Responding to the question of the merger of the North and East, the Minister said that the proposals are about self rule by the Muslims in Muslim majority areas and shared rule with the centre in a merged North and East.

### ● Election will cost Rs.650 million

With no end in sight for the political crisis between the executive presidency headed by Mrs Chandrika Kumaratunga and the UNF government led by Prime Minister Ranil Wickramasinghe, many observers believe the country is inexorably drifting towards an inevitable parliamentary election. The President has said that she was in no hurry to dissolve parliament and go for elections. However, frustrated in his efforts to gain back the three ministries his government was deprived of by the President, the Prime Minister may, some speculate, precipitate an election by tendering his government's resignation.

As to the preparedness for an unexpected election, Commissioner General of Elections Dayananda Dissanayake is reported to have said that his Department was ready to hold a General election at any moment, but warned that it would cost the country Rs. 650 million. At a time when the government is strapped for cash, an expenditure on this scale on an election that is not due now or that no one is eager to face is a luxury that the country can avoid only if the political leaders can conduct themselves responsibly, commented a south Asian diplomat,

Dissanayake speaking to a Colombo Sunday newspaper suggested that an election Commission on the line of the Indian Election Commission comprising three commissioners be set up to ensure free and fair elections. He also asked for more powers to conduct a free and fair election as the Independent Election Commission proposed under the 17th Amendment to the Constitution was not in place yet. Urging for more powers, he said that all election petitions which followed an election were mainly due to weaknesses in the electoral system.

The Commissioner General who was also critical of the annual revision of electoral registers said that new technology should be utilised to computerise the whole system for the conduct of a speedy and flawless election. He emphasized the authorities to consider an electoral system similar to those prevalent in Australia and Canada with the electoral registers revised once in every five or six years.

He explained that under the present system, anyone who has registered on June 2 would have to wait one full year for the eligibility to cast his/her vote. He said that only the Colombo district and a part of Gampaha district electoral registers had been computerised as a pioneer project.

"If anyone changes his/her residence, his/her name should be incorporated in the relevant electoral list the next day. In a computerised system, the whole procedure would facilitate such changes for easy access," Dissanayake added. Refereeing to a 'continuous' base document (database) which would be prepared after a single day enumeration throughout the country, he said it would enable to just update the system. He also advocated the introduction of the National Identity Card number as a "must" with the name of the respective voter.

Dissanayake said that the Department of Elections had spent approximately Rs.5.00 per voter in revising applications last year. He said that typing and retyping the same name and address every year manually of an applicant for voter revision was not only expensive but also an extensive task. "If the Department has the necessary facilities, it would entail only 20 per cent of additional work with 10 % for deletions and 10 % for new additions."

He said that police assurance should be obtained for the conduct of elections in the North-East, by making arrangements for voters to cast their votes. However, he pointed out that displaced persons were given an opportunity to cast their votes at all elections.

Dissanayake also urged the general secretaries of political parties to consider having all provincial council elections on a single day. He said that it would be "manageable" and would also save financial and other resources.

At present there are 12.6 million registered voters in the country and 51 political parties have registered with the Department of Elections. However, only 11 parties are engaged in active politics.

He further added that the government should implement the recommendations made by the R. K. W. Gunesekare Committee and the Sidath Sri Nanda Lochana reports, which were introduced in 1996.

### ● International mediation to break deadlock

The National Peace Council of Sri Lanka in a statement issued on 9 January said, "The political crisis in the country continues with Prime Minister Ranil Wickramasinghe's renewed call to President Chandrika Kumaratunga to take over the peace process, and renegotiate the Ceasefire Agreement with the LTTE. While saying this, the Prime Minister has effectively withdrawn his government from the negotiations process with the LTTE. The Prime Minister has insisted

that he wants the Ministry of Defence given back to the government before he can restart the peace process and negotiate with the LTTE. Since the peace process is intimately related to issues of national security, it is reasonable to believe that peace talks cannot take place unless the powers over defence are vested with the party that is negotiating.

For her part the President has been offering the Prime Minister powers with regard to the defence ministry that are relevant to the peace process, while she keeps the balance. Some form of a compromise agreement whereby the President and Prime Minister work together would certainly be the most desirable state of affairs, and which the vast majority of people in the country would welcome. In addition, it is nationally and internationally recognized that bipartisanship is indispensable in finding a lasting solution to the ethnic conflict. Such bipartisanship cannot be achieved merely by words or invitations to other parties. It also requires a principled agenda and commitment to those principles by both parties.

In helping to resolve its ethnic conflict Sri Lanka has been fortunate to have the expert international mediation of the Norwegian government. We believe that similar high level international mediation is necessary to end the paralysis of government and deadlock that seems to have gripped relations between the President and Prime Minister and their respective parties. So far Sri Lankan civil society has been unable to bring about reconciliation between the rival political leaderships. The parties do not seem to be responsive to civil society pressure or offers of assistance. Therefore we urge international mediation that would identify the core interests and find principled and creative options for possible solutions.

## ● LTTE and Muslims

Political wing leader of the LTTE S. P. Thamilselvan said told a group of journalists on 19 December that the Memorandum of Understanding (MoU) signed between the LTTE leader Velupillai Prabhakaran and the Sri Lanka Muslim Congress leader and Minister Rauff Hakeem, in April 2002 did not exist anymore. He told the journalists who were mainly from the Eastern Province, that the SLMC leader had on several occasions said that the MoU did not exist.

"We also understood the instability of Hakeem within his own party. Even after the signing of the MoU between Prabhakaran and Hakeem, several incidents had taken place to damage the coexistence between the Tamils and the Muslims in the Eastern Province. Therefore, we now consider that the MoU does not exist anymore."

S. P. Thamilselvan has said that at a time when the group has strengthened itself and grown into a powerful force, it could offer redress to grievances of the Muslims.

Mr. Thamilselvan said, "It is erroneous to say that we have not made mention of Muslim representation in the draft proposals for the interim self governing authority. We admit that we have not included in our proposals the decisions of the Muslims to meet their political expectations and aspirations. Yet we have included a clause that we would take decisions on Muslim representation after having talks with their representatives."

Mr. Thamilselvan said the LTTE regretted the circumstances that caused the Muslims to be sent out of the Jaffna peninsula 12 years ago. "We were forced to take such a decision when Sinhala chauvinists attempted to create dissension, confrontations and complications among us, and in the absence of an alternative, we were forced to take an unfortunate and unavoidable decision. We are aware that the decision seriously affected the Muslims in the north. We are not trying to justify that action," he said.

"We are examining the confrontations and crises that have taken place between the Tamils and the Muslims in Trinco and other places. The interference of the chauvinists is found in great measure in this matter. The JVP, the Sihala Urumaya and the likes have begun to intensify their activities in Trinco. We find that these forces are actively involved in causing division in the Tamil-Muslim relationships to create problems and confrontations to the extent of threatening the ceasefire agreement and creating a war situation.

Mr. Thamilselvan assured that the LTTE would, when necessary, include the representatives of the Muslims as an independent party in the peace talks.

"We are aware that the Muslims have goals and aspirations. It is not a problem to arrive at a consensus that would guarantee their future and security. But we regret that these grievances and aspirations are sometimes being used for political gains or political power," he said.

## ● TULF - Enjoining order extended

The Colombo Additional District Judge Mr.W.Ganepola on 13 January extended the enjoining order preventing the Secretary General and Senior Vice President of the Tamil United Liberation Front (TULF) from summoning the central working committee or any meeting of the TULF without the permission of the party's President Mr.V.Ananadasangaree and rejected the application moved by respondents to vacate the enjoining order..

In his application Mr.Anandasang-aree sought the court to issue an order preventing the respondents from summoning the central working committee of the party without his written permission.

Mr.Anandasangaree cited Mr.Sampanthan and Mr.Joseph Pararajasingham as the first and second defendants in his plaint. Mr.Anandasangaree said in his plaint that the party general secretary had summoned a central committee meeting on November 30 and at this meeting, which was chaired by him, the defendants had attempted to move a vote of no confidence against him. At that point the plaintiff had put off the meeting indefinitely ruling that the central committee has no power to move a no confidence motion. Later the two defendants had taken steps to hold another meeting without consulting him at Amparai on December 21.

The application had sought the court to order preventing the defendants holding such meeting at Amparai or at any other place and to prohibit the defendants taking any decision without his written approval.

The Colombo Additional District Judge first issued an enjoining order preventing the respondents from summoning any meetings of the TULF without the written permission of the petitioner Mr.Anandasangaree on December 17 last year. When the application was taken up for second time on that date the court extended the enjoining order till January 14. When the case was taken up for further hearing today the Additional District Judge extended the enjoining order till January 26 and put off the further inquiry into the application of Mr.Anan-dasangaree on that date. The Additional District Judge rejected the application on behalf of Mr Sambanthan and Mr Para-rajasingham seeking the vacation of enjoining order. ❐

# The ethnic problem and the ISGA proposal

Dr. S. Narapalasingam

The ethnic problem in Sri Lanka originated from the denial of equal rights to minority Tamils after independence. Victimised by various discriminatory policies and practices of successive governments and intimidated by violent attacks by forces that had the tacit support of the authorities they were constrained to live in fear with uncertain future. Even the approved Acts and policies introduced for alleviating their difficulties were not implemented effectively. The political parties competing desperately for power have been more sensitive to the needs and concerns of the majority community than to those of the minorities. Non-violent protests by Tamil leaders were ignored and subsequent pacts entered with them were unilaterally abrogated when objected to by Sinhala nationalists and the main opposition party. These acts of commission and omission caused the distressed Tamils to lose faith in the unitary system that installed majoritarian rule.

The Tamil youth confronted with a bleak future were driven to believe that the Tamils could regain their rights and dignity only through an armed struggle. It intensified when the LTTE emerged as a strong determined fighting force after the July 1983 pogrom in which many Tamils died. Although the aim of the long-drawn-out war against the State was to establish a separate state for the Tamils in the North-East region, in the wake of strong opposition by the international community to the division of Sri Lanka into two sovereign States, the LTTE has modified it now to the establishment of a separate fully autonomous region for the Tamils within unified Sri Lanka. In so far as they are concerned, the root causes of the conflict are irrelevant to the resolution of the conflict.

## UNF (UNP) Government proposals

Government's latest (July 2003) proposal for setting up a provisional administrative structure is not comparable with either the original 1995 and the revised (1997 and 2000) devolution proposals of the previous PA government or LTTE's counter proposals (October 2003). The latter are comprehensive enough to grasp clearly the nature of the administrative structures in their proposals. The UNP has so far not come up with any concrete proposals for changing the present troublesome constitution introduced in 1978 by its leader the late J. R. Jayewardene. The objective of the provisional administrative arrangement as stated by the GOSL is: "to ensure rapid improvement in the life of the population in the eight districts in the north and east, while LTTE and GOSL at the same time are actively engaged in a dialogue to arrive at a negotiated political settlement based on the agreement reached during the third session of the negotiations in Oslo in December 2002".

With regard to LTTE's role in the interim structure, the supplementary 'Discussion Document' states: "the framework for establishing a provisional administrative arrangement will enable the LTTE to participate significantly in decision making and delivery related to administration and rebuilding of the war damaged infrastructure and economy in the Northern and Eastern Provinces". The powers of the Provisional Administrative Council will include those exercised and performed currently by the Government in respect of regional administration - except the areas of police and security; land; and revenue – but including rehabilitation, reconstruction and resettlement. Although in the Provisional Administrative Council the majority of the members will be LTTE's nominees, it will also have members nominated by GOSL, including the nominees of the Peoples Alliance (PA) and by Sri Lanka Muslim Congress (SLMC).

Apparently, the Government's proposals have no direct connection with the structure needed for the resolution of the ethnic problem or the North-East issue. Both require drastic changes to the present constitution. The UNF government's original strategy was to move forward along two tracks viz. development and peace but it got stuck in the condition laid down by the donors for releasing the US 4.5 billion aid pledged at the Tokyo donors meeting held last June. Prime Minister Ranil Wickremesinghe had stated at the very beginning that his government was focussing on conflict management rather than on conflict resolution. The LTTE too had its own plan for managing the conflict. It is, therefore, not surprising both parties have been keen on sustaining the ceasefire instead of negotiating seriously for a final settlement.

## Government's peace strategy

Leading businessmen in Colombo want the positive conditions that emerged with the ceasefire agreement signed by the Prime minister and the LTTE leader in February 2002 to continue. At the meeting the leading members of the Joint Business Forum (JBIZ) had with Prime Minister Ranil Wickremesinghe on 20 December 2003, they had told that the political crisis had already affected investor confidence and was threatening to impede the country's economic growth. They also reiterated the importance of reactivating the peace process to 'regain Sri Lanka' and develop the entire country. The plea that the talks with the Tigers must continue in order to attract investment and secure foreign aid for developing the neglected economy is in line with Government's original peace strategy.

The previous government's 'war for peace' strategy was disastrous for the enormous losses incurred during the period and damaging the chances of settling the conflict peacefully. The present government's peace strategy appeared to be succeeding at least in the short term in achieving its immediate objectives, though a final political settlement remained uncertain. But now even this has become doubtful following the many developments after the suspension of peace talks last April and not least the power struggle between the President and the Prime Minister.

Resolving the conflict and achieving lasting peace when the war for sepa-

ration has not ended conclusively are by no means an easy task that can be accomplished by a government with slender majority in the Parliament. The present Constitution with an Executive Presidential system is a major impediment for unilateral action. If the Prime Minister's peace strategy is seen by the electorate to be a colossal failure in developing the economy and improving the living conditions of the masses as promised, his party will find it difficult to get the support needed to win more seats at the next general elections. People are not keen on a snap poll as they very well know it is not for delivering the promised peace dividend but for continuing the power struggle.

**LTTE's objective**

LTTE leader Velupillai Prabhakaran in his 2002 Heroes' Day speech said: "The objective of our struggle is based on the concept of self determination as articulated in the UN Charter and other instruments. We have always been consistent with our policy with regard to our struggle for self-determination. Tamil homeland, Tamil nationality and Tamil's right to self-determination are the fundamentals underlying our political struggle. We have been insisting on these fundamentals from Thimpu to Thailand. Our position is that the Tamil national question should be resolved on the basis of these core principles".

In his speech the following year 2003, he accused the Government for ignoring "the more serious, critical existential issues of resettlement of the displaced, reconstruction of the war damaged infrastructure and the re-establishment of normalcy in the Tamil homeland under military occupation". He said: "Ranil's administration was only interested in projecting the peace process as an ideal model to attract aid and loans from donor countries to build up the economy." "We realized that the government was hesitant to put forward a concrete set of proposals (for establishing an Interim Administration) as expected by our organization that would satisfy the aspirations of our people." Having elaborated further on the factors that moved the peace process in a different direction, he concluded: "it is not possible to find a permanent solution to the Tamil national conflict immediately within a short period". This was meant to justify LTTE's proposal to set up the Interim Self-Governing Authority (ISGA) under their control with plenary powers and not as proposed by GOSL with limited powers and functions.

**LTTE's counter proposals**

The ISGA as proposed by the LTTE reflects the structure that would meet their concerns and the political objective declared by their leader in November 2002. All their existing administrative arrangements including judicial and tax regimes will continue under the ISGA. The latter cannot be regarded as provisional (the term used by the GOSL in its July 2003 proposals) that could be replaced at some later stage by another structure with restricted powers and functions. Any such move by the Centre will create new problems that will be more complicated than the existing ones.

The 8-page document containing LTTE's proposals for setting up the ISGA states, inter alia, that the Authority is needed for formulating laws and policies and effectively and expeditiously executing all resettlement, rehabilitation, reconstruction, and development work in the NorthEast. The statement, "the history of the relations between the Tamil People and the Sinhala people has been a process of broken promises and unilateral abrogation by successive governments of Sri Lanka of pacts and agreements solemnly entered into between the government of Sri Lanka and the elected representatives of the Tamil People" shows their misgivings in any structure that gives intervening power to the Centre. Hence, the proposed ISGA has only minimal link with the Centre.

An important factor overlooked in negotiating a political settlement is the future of the LTTE leader wanted by the courts in India and Sri Lanka. J K Dutt, a retired Lieutenant Colonel of the Indian Army in his article on the crisis in Sri Lanka in 'The Statesman' has asked India to "drop its demand for Velupillai Prabhakaran's head for his alleged role in Rajiv Gandhi's assassination". According to him, if New Delhi is actively supporting the peace talks, it should not continue to ask for the extradition of LTTE leader because the two positions are contradictory.

India has recognized the legitimate rights of the Tamils in Sri Lanka a long time ago. This is not the problem India has in recognizing the LTTE as a regional political organization like the main political parties in Tamil Nadu. Her bitter experience following the LTTE's violent resistance to the moves to impose a political settlement as agreed in 1987 by India and Sri Lanka and to subdue them militarily is the obstacle at present. The LTTE leadership has come to realize the importance of befriending India, as without her support a political settlement outside a federal structure is not possible. The fact that GOSL is also strengthening closer defence and economic ties with India, as part of the move to have an 'international safety net' is also of great concern. Most likely, India will prefer to decide on this intricate matter at an appropriate stage in the negotiation process linking the decision to the settlement that is acceptable from its interest. LTTE's keenness to ensure the writ of GOSL is not enforceable in the North-East will influencer future discussions on the ISGA proposal. Authoritarianism considered necessary to wage the war against the State also seems to be necessary in a 'non-war' situation at least until there is perceived threat of revenge attacks by political rivals and those hurt by LTTE's violent and coercive actions.

The proposal that the ISGA should have control over the marine and offshore resources of the adjacent seas "and power to regulate access thereto" raises security concerns for both Sri Lanka and India, because this will give sole right to LTTE's naval unit, the 'Sea Tigers' to control two thirds of the country's coastal and sea areas. The LTTE also wants an immediate vacation of land owned by civilians and presently occupied by the security forces. This is very reasonable looked at purely from a humanitarian angle. But the Government's dilemma here is that without any sign of a final settlement of the ethnic problem or the North-East issue as perceived by the LTTE, it cannot take risk by weakening or exposing to danger the security forces in the Jaffna peninsula. Although the parties have declared time and again their commitment to negotiated settlement, the efforts to strengthen their forces have not slackened. Both sides have considered balance of power

as essential for negotiating a political settlement.

**The HSZ issue**

Lt. Gen. (retired) Satish Nambiar, one time Commander of the UN Forces in Bosnia and Director of United Services Institute of India was invited by Sri Lanka Government to advise on matters relating to the High Security Zone (HSZ) issue. In his second report (the first was rejected by the LTTE as totally unacceptable) he recommended a phased "dismantling of High Security Zones and reduction in size of others." He linked the de-escalation of the HSZs in the northern province to the "simultaneous dismantling of operational military positions'' held by the LTTE. He also proposed a phased de-escalation, initially in and around largely civilian areas of Jaffna peninsula and then in the zones of strategic military importance - Palaly airfield and Kankesanthurai and Point Pedro harbours.

Recognizing the practical difficulties in implementing his suggestions, he noted these "can only be effected provided certain confidence-building measures were in place". On the issue of LTTE's arsenal, Lt. Gen. Nambiar suggested that the LTTE's "long-range weaponry can be placed in designated areas under international monitoring" or if the Tigers found this "unacceptable, they could be kept in existing deployed areas, but still under international monitoring". Anticipating the Tigers to reject any unilateral arrangement, he has said in the report – "the SLA will also need to subject itself to such an arrangement." There was no response from either party to these suggestions. While the MoU emphasized the restoration of normality for resettling the displaced persons, the need to prepare jointly a programme linking the phased demilitarization of North and East to the progress at the peace talks was overlooked.

**Muslims concerns**

The ethnic conflict cannot be resolved on the basis of the notion - 'one country, two nations'. More Tamils live outside than within the North-East region. Although Tamils are the majority community in the combined North-East region, the population in the East is distributed equally between the three ethnic groups – Tamils, Muslims and Sinhalese. Apprehensive of Tamil nationalism and majoritarianism, the Muslim leaders have rejected the ISGA proposal in its present form. True, the LTTE has provided space "for discussions with representatives of the Muslim community in the NorthEast on their role in the ISGA". This implies that the discussions with Muslim leaders will only be after reaching an agreement with the Government on the proposed 'interim' structure.

S. P Thamilselvan during the discussions with a group of Muslim and Tamil journalists from the eastern province on 19 December 2003, said: "We, the Liberation Tigers, are negotiating with the Sri Lankan state on the basis of the strategic military parity that we achieved by waging war against it for 25 years, shedding blood and sacrificing many lives. But the Muslim leadership always chose to be an integral part


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of governments that came to power (in Colombo). This is the fundamental difference. Therefore it is wrong to say that the Muslims are being politically ignored because they have no role as the third party to the peace talks". His assurance is not different from that given by the Sinhalese leaders to their Tamil counterparts at the time of independence. It is significant the Muslims are objecting to a Tamil dominated self-governing authority for the entire North-East that includes districts where the majority of residents are Muslims, basically for the same reason the Tamils are against Sinhala majority rule. The numerous clashes between the Muslims and Tamils in the Eastern province that occurred after the ceasefire have strained further the inter-communal relations in the East.

The proposed ISGA has the very unitary, majoritarian structure that enabled the suppression of minority rights under Sinhala majority rule. The minority groups in the North-East could be harmed by the proposed system unless there are adequate safeguards. The ISGA proposals include the creation of district committees. Clause 14.1 states: "In the effective exercise of its legislative and executive powers, the ISGA may formulate District Committees to carry out administration in the districts and delegate to the Committees, such powers as the ISGA may determine. The Chairpersons of such committees shall be appointed by the ISGA from amongst its members in order to serve as a liaison between the ISGA and the Committees." And according to 14.2, "the other members of the Committee shall also be appointed by the ISGA, which shall have the powers to suspend or terminate any such appointment. In appointing such members, due consideration shall be given to ensure representation of all communities". The Committees will function directly under ISGA.

The District Councils of Dudley Senanayake Government (1968) and District Development Councils of J.R. Jayewardene (1978 -1980) were found to be ineffective in bestowing decision-making powers to the minority Tamils. Commenting on the latter scheme, the late Prof. A.J. Wilson in his book 'The break-up of Sri Lanka' has said by appointing District Ministers to each of the island's twenty-four districts who were Presidential appointees, and moreover M.P.s from the Government Parliamentary Group, District M.P.s, representatives of local bodies and presidential nominees as members, President J. R. Jayewardene made a mockery of parliamentary democracy. Some similarities are seen in the proposed formation of the District Committees by the ISGA. The ISGA proposal as it is instead of solving the island's ethnic problem is likely to complicate it by adding the Muslim dimension and accentuating the majority - minority division. It is not unreasonable to assume that the ethnic problem will remain unresolved, even if the North-East issue is settled according to the structure proposed by the LTTE.

**The 1995 devolution package**

Some of LTTE's counter proposals listed in the Annex are in essence similar to those in the devolution package prepared in 1995 by the then Constitutional Affairs Minister in the PA government Prof. G.L. Peiris (the present Government's chief negotiator at the peace talks) and the late Dr. Neelan Tiruchevam (TULF MP). The package unveiled by President Chandrika Kumaratunga on 4 August 1995 was acclaimed widely as constructive and a courageous move to settle the ethnic conflict on the basis of genuine sharing of power between all communities. A SLMC statement said: "While as expected the units of devolution has been left out, the SLMC is extremely happy that the Muslim political dimension in the country has been given due recognition".

The international community too welcomed the courageous move to transform the unitary constitution and polity into an equitable and democratic 'union of regions'. In contrast to the adverse response to the LTTE's proposals, the leading Indian papers too congratulated the PA government for coming out with a balanced set of proposals providing the best chance for resolving the conflict peacefully. The then main opposition party led by the present Prime Minister did not want to accept the proposals of the PA Government, keeping with the country's political tradition that had obstructed ethnic peace, progress and prosperity since independence.

According to the 1995 political package, the Regional Councils were to be granted extensive powers and functions so as to raise revenue by imposing taxes and levies in specified areas; borrow as well as set up their own financial institutions with the proviso international borrowings above a prescribed limit must be with the concurrence of the Centre; regulate and promote foreign direct investment; secure international grants and development assistance; set up regional police service; utilize State land with the proviso the Centre too may utilize it in consultation with the relevant Regional Council. Each region will have a High Court. The Regional Judicial Service Commission and the Regional Public Service Commission were to be appointed by the Constitutional Council in consultation with the Chief Minister of the region. A Permanent Commission on Devolution with powers of mediation and adjudication was also to be appointed by the Constitutional Council to resolve disputes between the Centre and a region or disputes among the regions.

Thus, the 1995 proposals provided a constitutional means for sharing power with the Centre under a well-balanced democratic federal structure with extensive powers to the regions. Subjects and functions were distributed between the Centre and the Regions explicitly and the linkage with the Centre also clearly defined, LTTE's proposals fall outside these parameters. The LTTE's chief negotiator Anton Balasingham long after Neelan was assassinated by a suicide bomber acknowledged the significance of the 1995 proposals.

Prof. Oberst of Nebraska Wesleyan University in his talk presented recently at the International Centre for Ethnic Studies, Colombo indicated how the ISGA proposal could be amended jointly by the negotiating partners to make it acceptable to all parties, on the presumption both sides are willing to settle for a federal solution. It is the 1995 political package that has the federal structure and for the Professor to surmise that "the presentation of the ISGA reflects the limited differences between (the latest proposals of) the two sides" on the basis of present Government's latest proposal is quite astonishing. He

has ignored the aforementioned ground realities in Sri Lanka in his analysis, a weakness seen with advisers from the advanced countries with long democratic tradition. In Britain, multi-party democracy, the rule-of-law and national unity have remained solid even without a written constitution. Political and social conditions in Sri Lanka are very different. The need for considering all the proposals on hand, including the counter proposal expected from the SLMC is paramount, because there must be a prior understanding on the kind of structure on which the final settlement will be based. Any provisional arrangement is a recipe for trouble sooner than later.

**ANNEX**

The key ISGA proposals some going beyond a federal system are listed below:

*powers to raise revenue including imposition of taxes, levies and duties; maintain law and order; and control land (Clause 9.1);

*establishment of separate institutions with judicial powers for the administration of justice (Clause 10);

*a Finance Commission appointed by the ISGA to make recommendations as to the amount out of the Consolidated Fund to be allocated annually to the NorthEast (Clause 11);

*powers to borrow internally and externally, provide guarantees and indemnities, receive aid directly, and engage in or regulate internal and external trade (Clause 12);

*power to alienate and determine the appropriate use of all land in the NorthEast that is not privately owned. The ISGA will appoint a Special Commission on Administration of Land to alienate land to dispossessed people (Clause 16);

*a separate Auditor General appointed by the ISGA (all the funds of the ISGA including those received from the Government, will only be subject to audit by its own Auditor General and not by any Government authority (Clause 13);

*immediate vacation of land owned by civilians and presently occupied by the armed forces of the GOSL and the latter to pay compensation to the owners for the past dispossession of their land (Clause 17);

*control over the marine and offshore resources of the adjacent seas and the power to regulate access thereto (Clause 18);

*all future agreements concerning matters under the jurisdiction of the ISGA shall be made with the ISGA. Existing agreements will continue, but the GOSL shall ensure that all proceeds under such agreements are paid to the ISGA (Clause 21); and

*a three-member tribunal to settle disputes between the GOSL and the LTTE that may arise in the interpretation or implementation of the Agreement on the ISGA proposals with the provision to request the President of the International Court of Justice to appoint the Chairperson, if the two parties are unable to agree on the appointment (Clause 22).

# When will President's second term end?

**P. Rajanayagam**

In the background of a series of attempts by politicians in recent years at manipulating the country's constitution for remaining in power beyond the terms for which they have been elected, it is not surprising that much political controversy has surrounded the question as to when Chandrika Kumaratunga's second term as President of Sri Lanka will end. In addition to her political rivals, it also seems to have agitated the minds of some legal luminaries.

The controversy was sparked off with the publication of newspaper reports alleging that, despite the fact that she took her oath before the Chief Justice on 22 December 1999 following her victory at the election, she took another oath of office at an unpublicised ceremony before the Chief Justice on 11 November 2000.

Under the Constitution, the President holds office for a fixed term of six years [Article 30 (2)]. The person elected or succeeding to the office of President shall assume office upon taking the oath or making the affirmation in the prescribed form [Article 32(1) and Fourth Schedule].

Many had presumed that President Kumaratunga would have to vacate office on 21 December 2005 because they thought that her six-year term would have commenced on 22 December 1999, the date on which she took her first oath. With the revelation that President Kumaratunga had taken an allegedly secret oath a second time accompanied by the assertion that she is entitled to remain in office until 11 November 2006, her political opponents have accused her of planning to "unconstitutionally extend her office" by almost a year.

It has been reported in the media that Prime Minister Ranil Wickramasinghe has taken the view that there is no legal basis whatsoever for the President to take oath for a second time and extend her term by another year. He is also reported to have said the media had also shown the President's oath taking ceremony of 22 December 1999, and no purported secret swearing in ceremony would have the force of law. His position is that that the Presidential election must be held by November 2004.

According newspaper reports Chief Justice Sarath N. Silva had confirmed that he had sworn-in President Chandrika Kumaratunga twice after the December 1999 presidential election. Recalling the events of the time, the Chief Justice is reported to have said: at the time of the 1999 election, President Kumaratunga was injured and there was the question whether she was fit to hold office; if she did not assume office within 14 days after the results were declared then according to the Constitution, she would be deemed to have vacated the post of President; and in these circumstances, she assumed office in December 1999 and addressed the nation.

**Govet position**

The government has rejected the validity of the alleged secret swearing-in of President Chandrika Kumaratunga and "categorically" insisted that the President's term of office should end by December 2005. Constitutional Affairs Minister and cabinet spokesman G.L. Peiris said the government's position was clear that the President's term ended by the end of 2005 and that was what the people of the country had voted for, adding that, "Nowhere in the democratic world have we heard of a head of state taking oaths in secrecy. This is without parallel anywhere in the democratic world. This is one of the most important functions that the citizens of a country are interested in and how can it be done in secrecy." Minis-

ter Peiris added that Sri Lanka had enjoyed universal franchise since 1931 and the people were democratically mature. He said this had been continuously demonstrated by the fact that whenever a government tried to extend its term without the will of the people they were voted out of office at a subsequent election.

The question is whether the assertion that President Kumaratunga is entitled to remain in office until 21 December 2006 is legally tenable or whether it is an attempt at an unconstitutional extension of her office, particularly in the context of her having taken oath on 22 December 1999.

Before going into this question, it may be well to remind ourselves about the way in which governments in the recent past have tried to extend their terms of office and remain in power by maladroit manipulation of the Constitution.

**Constitutional manipulation**

The United Front government under Mrs Sirima Bandaranaike was elected in May 1970 for a term of five years. In the process of enacting the first Republican Constitution, which came into effect on 22 May 1972, the government extended its term by two more years. Article 42(5) provided, "Unless sooner dissolved, the first National State Assembly shall continue for a period of five years commencing on the date of the adoption of the Constitution by the Constituent Assembly." The effect of this provision was to grant the parliament, which had been elected in May 1970 for a period of five years, a further lease of life for an additional two years. Since independence, this was the first time a government had extended its own life under the pretext of constitutional reform. As a consequence, it remained in power until July 1977 when general elections were held.

At the parliamentary election of July 1977, the United National Party (UNP) came to power following a landslide victory securing 140 out of a total of 168 parliamentary seats under the leadership of J R Jayawardene who became Prime Minister.

There is a popular misconception that the executive presidency was introduced via the 1978 Constitution. Just two months after the UNP came to power following the general election, on 22 September 1977 the government introduced the Second Amendment to the 1972 Constitution which radically transformed the constitutional structure of the state from an essentially cabinet system to that of an executive presidential system. In addition to creating the executive presidency, the amendment provided that "the supreme instruments of state power" were the President and the National State Assembly(NSA) whereas previously the NSA was the only "supreme instrument of power". The Amendment made provision for J R Jayawardene, the Prime Minister, to assume office as Executive President on 4 February 1978 for a period of six years. Thus Jayawardene who was elected in July 1977 as a Member of Parliament for six years imposed himself upon the country without a mandate from the people as Executive President for an extended period until 3 February 1984.

Article 160 of the 1978 Constitution which came into operation on 31 August 1978 provided that the person (J R Jayawardene) "holding the of President immediately before the commencement of the Constitution shall be the first President and shall be deemed for all purposes to have been elected as the President of the Republic and shall hold office for a period of six years from 4 February 1978 which meant that his term of office would last until 3 February 1984. It was also provided that henceforth the term of the President shall commence on the fourth day of February next succeeding the date of his election [Art. 31(4)].

It would be self evident that what the architect of the Constitution envisaged was that ordinarily a person elected as President would hold office for a fixed term of six years.

**Maladroit steps**

However, by 1980 it was becoming increasingly clear to Mr Jayawardene that he and his government were declining in support among the people. But he was determined to remain in power and in addition wanted to somehow retain the massive four-fifths majority in parliament he had secured in the election of July 1977. To achieve this he took certain maladroit steps which had grave constitutional implications.

Rather than waiting two more years during which time support from the people might become further eroded, he wanted to submit himself to be elected as President before the expiry of his term for which there was no provision in the Constitution. Therefore, he pushed through parliament the Third Amendment to the 1978 Constitution which came into effect on 27 August 1982. It provided that "the President may, at any time after the expiration of four years from the commencement of his term of office, by Proclamation, declare his intention of appealing to the People for a mandate to hold office, by election, for a further term." [Art.31(a)(a)(i)] On the same day Jayawardene issued a proclamation declaring his intention of seeking re-election for a second term.

The presidential election took place on 20 October 1982 which Jayawardene won. But it should be noted that the leader of the main opposition Sri Lanka Freedom Party (SLFP), was prevented from contesting at this election by reason of her civic rights having been deprived in October 1980 on charges of alleged 'abuse of power' during her period of office as Prime Minister during 1970 to 1977. It should be noted that the government under Jayawardene secured the deprivation of her civic rights by enacting the First Amendment to the 1978 Constitution which declared "null and void and of no force or effect in law" the ruling by the Court of Appeal prohibiting the Special Presidential Commission of Inquiry from proceeding with the inquiry against Mrs Bandaranaike.

**Rolling the electoral map**

Worse was to come following Jayawardene's victory at the presidential poll. He proceeded to keep the promise he made during his presidential election campaign "to roll up the electoral map of Sri Lanka for ten years."

Under the Constitution of 1978, parliament was to continue for six years from 4 August 1977, and therefore gen-

eral parliamentary election was due to have been held by July 1983. However, the government under Jayawardene rushed through the Fourth Amendment to the Constitution which provided that "unless sooner dissolved, the First Parliament shall continue until August 4, 1989 and no longer, and thereupon stand dissolved". [Art. 161(e)] This amendment had the effect of extending the life of the parliament elected in July 1977 for a period of 12 long years and enable the MPs to sit in parliament without having to face an election until 4 August 1989.

The proposal to extend the life of parliament pursuant to the Fourth Amendment was put to a referendum before the people which was held on 22 December1982. The issue put before the voters was to amend the 1978 Constitution to approve the prolongation of the term of the parliament until August 1989. The massive violence, intimidation and widespread malpractices that characterised the referendum campaign were unprecedented in the annals of the island. The leader of the SLFP, Mrs Sirima Bandaranaike said, "The country has just witnessed the biggest fraud perpetrated on the people." The terror and fraud practised by the government in this referendum exceeds anything previously known in this country," said the Communist Party leader, Pieter Keuneman. The LSSP leader Dr. Colvin R dr Silva said, It was not a referendum but a display of organised violence to cover organised mass impersonation."

However the results announced - 3,141,223 in support; and 2,605,983 against.-showed that the people had approved the proposed extension of the life of parliament!

**Constitutional Position**

In this backdrop of constitutional skulduggery, it may be proper to ask oneself the question whether President Kumaratunga is also seeking to extend her term of office unconstitutionally.

Though we have had four Presidents since 1978, only J R Jayawardene and Mrs Chandrika Kumaratunga have had the opportunity to serve two terms of office. The manner in which Jayawardene served his two terms may illuminate the current controversy surrounding Mrs Kumaratunga's presidency and help to answer the disputed issues.

Pursuant to the Second Amendment to the 1972 Constitution, (and later confirmed by Article 160 of the 1978 Constitution) Jayawardene was deemed to have been elected as President on 4 February 1978 for a period of six years until 3 February 1984.

As noted earlier, the Third Amendment of 1982 to the 1978 Constitution enabled the President who had served four of his six-year first term to go before the people to obtain a mandate for a second term. The presidential election took place on 20 October 1982 which Jayawardene won. However, despite being elected in October 1982, Jayawardene took his oath of office for his second term only on 4 February 1983, and served the full six-year second term until 1989. This was in accordance with Article 31(3A)(d) of the Constitution which reads as follows:

*The person declared elected as President at an election held under this paragraph shall, if such person:-*

*i) is the President in office, hold office for a term of six years commencing on such date in the year in which that election is held (being a date after such election) or in the succeeding year, as corresponds to the date on which his first term of office commenced, whichever date is earlier; or*

*ii) is not the President in office, hold office for a term of six years, commencing on the date on which the result of the election is declared.*

In the case of Mrs Kumaratunga, the Presidential election took place and the results were formally announced on 12 November 1994 and she assumed of office after being sworn-in on the same day commencing her first term which according to the Constitution would have lasted until 11 November 2000.

Just as Jayawardene did, Mrs Kumaratunga submitted herself to an election pursuant to Article 31(a)(a)(i) of the Constitution almost a year before her first term came to an end on 11 November 2000.

Presidential election was held on 22 December 1999 and Mrs Kumaratunga was elected for a second 6-year term from the date on which her first term would have come to an end, namely 11 November 2000, and accordingly in terms Article 31 (3A)(d)(i) her second six year term would continue having commenced on 12 November 2000 until 11 November 2006. In contrast however, if Ranil Wickramasinghe who contested the election on this occasion had won the election, his six year term would have commenced on 22 December 1999 and lasted until 21 December 2005 in terms of Article 31(3A)(d)(ii).

**Answering disputed issue**

So far, the constitutional position as to when the second six-year term of Mrs Kumaratunga's presidency would come to an end appears to be clear, and that is 11 November 2006.

However, the currently raging controversy arises from the fact that she had taken an oath of office following the election on 22 December 1999 before the Chief Justice. Some persons therefore argue that her six-year second term should start to run from 22 December 1999 ending on 21 December 2005, and therefore the next presidential election should be held before that date. There are those who for political or other reasons wish to see President Kumaratunga out of office as soon as possible, and therefore argue that the determining date in calculating her second six-year term is 22 December 1999.

It has been suggested that there was near-life-threatening situation as far as President Kumaratunga was concerned (resulting from the assassination bid against her on 19 December 1999 just three days before the election which left her severely injured), and she took the oath out of an abundance of caution.

However, the provisions of the Constitution appear to be quite clear: "The person declared elected as President at an election held under this paragraph shall, if such person:- i) is the President in office, hold office for a term of six years commencing on such date in the year in which that election is held (being a date after such election) or in the succeeding year, as corresponds to the date on which his first term of office commenced, whichever date is earlier." [Article 31 (3A)(d) (i)]

Does the fact that President, mis-

takenly or on the basis of legal advice which now turns out to be wrong, or otherwise, took an oath almost an year earlier immediately following the election on 22 December 1999 alter the constitutional position that the President shall "hold office for a term of six years commencing on such date....., as corresponds to the date on which his first term of office commenced ...." ?

Did the President, by reason of having taken oath on 22 December 1999, voluntarily surrender part of her first term of office, and if so was she entitled to do so under the Constitution ?

The answers to the two questions above would appear to be in the negative. According to Rohan Edirisighe of the Law Faculty of the University of Colombo, "The wording of the provision which uses the word "shall" and a reading of the entire provision suggests that the provision is mandatory and that the President has no discretion where the date of commencement of the second term is concerned."

So what should one make of the oath taken on 22 December 1999? Firstly, it could not have had the effect of truncating the period of the President's first term. The oath taken, from an abundance of caution or mistakenly or otherwise, could not have the effect of overriding the mandatory provisions of the Constitution. President's Counsel H L de Silva is quoted as having expressed the view that the President continued to be in her first term despite the oath taken on 22 December 1999.

It now emerges that the President took another oath before the Chief Justice on 11 November 2000, the date on which her second term commenced. In this context, the views expressed by former Supreme Court Judge K.L.M.B. Kulathunga would appear to settle the point in dispute. He is quoted as saying that the whole scenario had become more of a "political crisis" than a "constitutional crisis". Recalling that there were media reports when the President when was sworn-in in 1999 for the second term, and answering the question whether the swearing-in was held at the wrong time constitutionally, Mr Kulathunga is quoted as expressing the view, "If that was so, then the second swearing-in was done on the correct date. So she has rectified the mistake and I don't see anything wrong in it."

## RAID ON ARMY 'SAFE HOUSE'

# Commission's Damning Report

Embarrassed by the damning findings of the Presidential Commission of Inquiry into the raid of the Athurugiriya Millennium City military safe house, the Government has resorted to the device of appointing parliamentary Select Committee to go into the matter again purely in an effort to shelf as long it is possible a detailed discussion on the subject.

A team of police directed by ASP Kulasiri Udugampola raided the Army safe house at No. 844, Kaduwela road, Athurugiriya on January 02, 2002 without a court order to search the place. The safe house was used by Army intelligence personnel (Directorate of Military Intelligence) for covert action to infiltrate LTTE cadres and eliminate some of the LTTE leadership.

Then Superintendent of Police in charge of "special operations" in the Kandy Division, Kulasiri Udugampola, raided No 844, Millennium City, Athurigiriya, on the night of January 2, 2002 without a Court order.

He seized a quantity of military hardware - Light anti tank weapons, anti tank mines, land mines, assault rifles, claymore mines, thermo baric weapons and green stripe uniforms used by Tiger guerrillas among them. He arrested a Captain and four regular soldiers of the Army's Directorate of Military Intelligence (DMI). Also arrested was a former Tiger guerrilla cadre who surrendered and was helping the Army.

The goods and the men were brought to the Military Police Headquarters in Narahenpita. Crowds of media personnel including TV cameraman failed to gain entry there. Later the same night, they were moved to Cinnamon Gardens Police Station. Whilst the men were detained in a room, the media were allowed to view and photograph all the military items displayed inside the Police Station. Thereafter the Army men and their helper were driven in a vehicle to Kandy guarded by two armed policemen. In the wee hours of the morning, they were thrust into remand cells where common criminals were kept. Detention Orders to hold them in custody were issued under the Prevention of Terrorism Act (PTA).

It was made out that premises No 844 at the Millennium City was a secret hide out from where military men had planned to carry out assassinations on United National Front (UNF) Government leaders, though it was used by Army intelligence personnel (Directorate of Military Intelligence) for covert action counter insurgency operations, specially directed at eliminating some of the LTTE leaders.

On January 6, 2002, *The Sunday Times* (Situation Report) revealed exclusively in a report headlined "How a 'top State secret' became public" that the hide-out was in fact a Safe House run by the Army's Directorate of Military Intelligence (DMI). It was from this "forward operations cell" that Long Range Reconnaissance Patrols (LRRPs) infiltrated areas in the guerrilla dominated east to attack targets. The men, far from being suspected terrorists, were those hunting them down during top secret operations. Despite this revelation and more disclosures in *The Sunday Times*, sections of the media continued a relentless campaign to make out that no LRRP activity existed.

Nearly two years after the raid, a one man Presidential Commission of Inquiry headed by D. Jayawickrema, retired Judge of the Court of Appeal that probed the matter has declared the raid "was a total betrayal and absolute treachery to the nation" It has concluded that Mr. Udugampola "backed up with political patronage" stalled these covert operations and "betrayed this gallant unit." The Commission sat from August 2002 to November 2003 and heard 69 witnesses.

The Chapter dealing with "Findings and Conclusions Only" in the 202 page

report (with annexure) was released was recently to the media by the President's Office. They constitute 29 pages and contain the findings on each term of reference. Based on that, the Commission has also made its own conclusions.

Mr. Udugampola, is now an Assistant Superintendent of Police (ASP), after he was reverted to his substantive rank in an unrelated fundamental rights case. Whilst carrying out the raid, he said, he was armed with a Court order. The Commission has found that such a Court order was non existent. He has admitted this fact in his evidence. In other words, he lied.

Pointing out that the "raid itself cannot be faulted if it was conducted on the basis of searching for a suspect in the Udathalawinna murder, namely Chanuka Ratwatte," the Commission found that "the evidence suggests this was a cover up."An informant (Morasus Mathoj Nilanga) has filed an affidavit in the Supreme Court on behalf of Mr Udugampola in a fundamental rights case against him. "But the Investigation Officers of this Commission were not able to find the informant in the given address or anywhere else. Nilanga's informant Ajith was reported to be dead," the Commission report said.

The fundamental rights case referred to has been filed in the Supreme Court by the DMI Officer and his men, now identified as Captain Mohamed Nilam, Staff Sergeant Edirisinghe Jayamanne, Sergeant Ananda Udalagama, Lance Corporal Mohamed Silmy and Corporal Nissanka Herath. The civilian is Saras Subashkaran.

According to The Sunday Times, though a propaganda campaign was mounted by interested groups to cover up the controversy over the Police raid on the Safe House, there were several behind the scene manoeuvres for damage control. This was at the highest levels of the UNF leadership. learnt that at least three senior Cabinet Ministers and two top officials brought pressure on Captain Nilam and his group through various means to withdraw their fundamental rights case.

They were assured handsome cash rewards, jobs in diplomatic missions or even residence in a country of their choice with sufficient funds to start a new life with their families. The overtures, however, were turned down. The judgement in the fundamental rights case is now pending.

The commission said: "ASP Udugampola has not noted down the information he received regarding a murder suspect hiding or visiting the Safe House nor has he made any surveillance before the raid. In fact ASP Udugampola admitted in his evidence that one of the reasons he had in his mind when he decided to raid this Army Safe House, was the information and publicity given in the media before the Elections that a DMI unit was being trained to attack the United National Party leadership and their campaign bus by using thermo baric weapons. The IGP, DIGs, and SSP in the Kandy region giving evidence faulted ASP Udugampola for not recording the information said to have been received by him about Chanuka Ratwatte, and also for not making surveillance prior to the raid."

The Commission held that the action taken by Mr. Udugampola was "illegal, immoral and in violation of all the rules and regulations of the Police." He has acted "arbitrarily and capriciously," it said. Noting "if one is to accept the totality of the evidence led before the Commission," the report has declared that "ASP Udugampola was immune to any supervisory procedure and he has behaved as a Supreme Commander who was above the law." Therefore, it has held that "there were no compelling reasons whatever for ASP Udugampola to raid the Safe House at Millennium City, Athurugiriya or take further action in the manner he did in taking into custody of the Army personnel."

The Commission says Mr. Udugampola conspired in his enterprise with a set of Army officers which the report identifies. "If these officers had any doubts about the Safe House they should have brought it to the notice of the Army Commander and moved the Military Police to investigate. But these officers, without doing so, have conspired with Kulasiri Udugampola to raid this Safe House for their own personal benefits. Moreover, none of these officers have informed Army Commander (Lt. Gen. Lionel Balagalle) or the Director, DMI (Brigadier Kapila Hendavithana) about the raid before the raid."

The Commission has held that the Army Commander Lt. Gen. Balagalle came to know about the raid only after it was carried out.

"In fact the Army Commander and Brig. Hendavithana accepted complete responsibility in respect of the Safe House and its legality which was of no avail due to the obstinacy of ASP Kulasiri Udugampola," declares the Commission report.

The report said that the ASP had rejected the statement of the Army Commander about the safe house functioning under his approval and had proceeded on the illegal course of action. Therefore, the Commission Report said that "The action taken by ASP Udugampola in the manner he did in taking into custody several Army personnel was illegal, immoral and in violation of all the rules and regulations of the police".

The Commission also deals with the political aspects. It apportions blame on the Government, Prime Minister and Ministers for allowing a "situation where Mr. Udugampola was immune to any supervisory procedure and behaved as a Supreme Commander."

The report points out "...The presence of retired Deputy Inspector General of Police, Lal Ratnayake, Private Secretary to Interior Minister John Ameratunga, at the Military Police on the night of the raid on the instructions of the Minister of Interior, and the Minister of Interior contacting the Secretary to the Ministry of Mass Communication and Secretary to the Defence Ministry, and ASP Udugampola contacting the Minister of Interior on the telephone leads to the only conclusion that due to political patronage ASP Udugampola has behaved as if he was above the law and that he can act the way he wanted to."

The Commission had also said that "the Government, the Prime Minister and the ministers concerned, the then Inspector General of Police L. Kodituwakku, his successor T. E. Anandarajah and all other senior officers should be held responsible for the illegal act of ASP Udugampola". ❐

# Disturbing trends in Tamil-Muslim relations

There has been a worsening of relations between the Tamil and Muslim communities particularly in the eastern province of Sri Lanka with continuing reports of violent incidents, including shootings, abductions, grenade attacks accompanied by protests, hartals and demonstrations. The reported frequent intervention of security forces, community leaders, LTTE's senior officials and the Sri Lanka Monitoring Mission (SLMM) seem to have had little impact on the recurrence of intermittent violent incidents.

When the LTTE leader Pirapaharan and Sri Lanka Muslim Congress leader Mr Hakeem entered into a Memorandum of Understanding (MoU) in April 2002, it was thought that from then on the provisions of this agreement would be gradually implemented leading to development of amicable relations between the two communities. But events have proved otherwise and relations have been deteriorating.

In this background, the recent announcement that the the LTTE regarded the MoU signed in April 2002 is no longer valid has given rise to much concern about the prospect of continuing unrest and violent incidents leading to further worsening of relations between the two communities.

Political wing leader of the LTTE S. P. Thamilselvan said told a group of journalists on 19 December that the Memorandum of Understanding (MoU) signed between the LTTE leader Velupillai Pirpaharan and the SLMC leader and Minister Rauff Hakeem did not exist anymore. He told the journalists the SLMC leader himself had on several occasions said that the MoU did not exist.

"We also understood the instability of Hakeem within his own party. Even after the signing of the MoU between Prabhakaran and Hakeem, several incidents had taken place to damage the co-existence between the Tamils and the Muslims in the Eastern Province. Therefore, we now consider that the MoU does not exist anymore," Mr ThamlSelvan had said.

However, responding to the statement made by Thamilselvam, Rauff Hakeem calling the Agreement signed between the SLMC and LTTE leaders a historic document said both parties are bound to abide and honour the agreement and that one cannot get away from it at ones whims or fancies. Expressing his opinions on the statement, Hakeem said that the agreement should be viewed in the light of an agreement between two communities rather than an agreement between two individuals.

Meanwhile, sources close to the Congress leader said that the Minister was considering the possibility of writing to the LTTE chief for verification on Thamilselvam's statement as the agreement was signed between Pirapaharan and Hakeem and not between Thamilselvam and Hakeem.

SLMC General Secretary, Hasan Ali, said that the MoU signed on April 13, 2002, provided for the resettlement of the 65,000 Muslims expelled from the North; return of the Muslims' agricultural lands, their security in predominant Tamil areas and their participation in the peace process as an independent delegation.

He said that they were surprised at this disclaimer as the MoU had been submitted to the international community at various conferences as a valid document. Ali said his party was trying to ascertain the veracity of the LTTE statement from its leader Velupillai Prabhakaran but admitted it had become difficult as the Norwegian facilitators had stepped down from mediatory role.

Minister Rauff Hakeem had earlier said that if the MoU was not honoured and the Muslims were not recognised as a separate delegation in the peace process, the peace efforts would turn out to be an abortive exercise.

Leaders of the other two Muslim political parties of the East, the National Unity Alliance (NUA) and the Ashraff Congress (AC) also expressed similar misgivings. NUA leader Ms Ferial Ashraff said, "Apparently the LTTE does not want to admit the Muslims as a third party in the peace process and their stand is clearly against the Sri Lankan Muslims."

Amid this dispute, there are reports of disturbing trends among some sections of the Muslim community suggesting that they will resort armed violence to what they describe as "to protect Muslim interests".

The emergence of radical Muslim armed elements in the north and east is causing much concern not only in government and security circles, but also among Muslim political parties. Some Muslim leaders allege that the emergence of such groups is attributable to the fact that the Muslim community in the east has been at the receiving end of attacks by the LTTE.

Police sources from the Muttur police division say they had received reports of at least three such movements taking up arms in the north east in the recent past. The groups have already code named themselves as "Osama Group", "Nocks Group", "Jet Group" etc. Sources from the Kalmunai police say that there are reports of a gang operating in similar style in Kalmunai as well. The groups are at present arming themselves through various weapon purchases. The police also suspect that these groups have links with Middle Eastern countries for financial and other assistance. They think that the entry of such groups would further complicate the situation in the east where there is a truce between the army and the LTTE.

However, Batticaloa District Parliamentarian, M. L. M. Hisbullah is reported to have said that to his knowledge there were no such groups operating in the eastern area. "There was a problem regarding security in the past. There had been no recent reports of any clashes with the LTTE, and the security situation has improved somewhat. At present four new police posts have been set up. "While the peace talks were going on, the Muslim people's grievances were not heard. This was due to the LTTE not allowing a separate Muslim delegation at the peace talks although Velupillai Pirapaharan acknowledged that there must be a sepa-

rate delegation for the peace talks representing the Muslim community," he said.

Hizbullah said that he was approached by certain Muslims for help to form armed groups but he had refused to help them. "I refused and advised them to have patience. Since the security situation has improved in the area I have not been approached by any Muslim youth seeking help. And I am certain that no such radical groups exist at present. I also categorically reject the notion that funds given to the Muslim community by Arab countries are being misused. Such funds must be channelled through a non-governmental organisation or by the government," he pointed out.

Muslims in the North and East are becoming desperate and they are agitating to take up arms to resolve their problems if there is no favourable response to their genuine grievances, the newly formed North-East Muslim Peace Assembly (NEMPA) said recently.

On 28 December, the NEMPA secretary general M.I.M. Mohideen said: "Despite a decision taken at the 5th session of the peace talks in Berlin to establish LTTE-Muslim District Committees in all districts in the East, to mediate lands and other issues between the Tamils and Muslims, the Muslim issues in the North-East are becoming graver daily." The initiative to form NEMPA's role was to negotiate with the LTTE and the Sri Lankan government over genuine Muslim grievances faced in by the population in the North and East, he said

Mr. Mohideen also said that the Tamil Tigers had given an assurance that it would do away with taxes on Tamil and Muslim traders in the future when various economic ventures in fishing and agriculture began to yield profits.

Meanwhile LTTE Trincomalee district commander Pathuman Amman has agreed to a meeting with the NEMPA to resolve the Tamil Muslim conflicts in Trincomalee. Necessary arrangements are being made with the Prime Minister's Peace secretariat and Sri Lanka Muslim Congress leader Rauff Hakeem to reactivate the LTTE-Muslim District Committee in the North and East provinces, Mr Mohideen said.

## CRICKET CHIEF IN DEEP TROUBLE

# Sri Lanka reeling from death link

**Scyld Berry**

Sri Lanka may seem far away now that England's series there, with its strange goings-on, has finished. But the island's tangled cricket politics, culminating in a man being shot dead two days ago, are coming ever closer.

Two investigators from the Anti-Corruption and Security Unit flew to Sri Lanka on Thursday (8 January) to conduct an independent inquiry into the money found in the hotel room of the Sri Lankan batsman Marvan Atapattu last month after the Kandy Test, which ended in a draw after Sri Lanka had posted unnecessarily defensive fields on the final day. While they are there, the ACSU investigators will have plenty else to examine.

Sri Lanka's cricket is dominated by three key figures. Two of them are former players: Aravinda de Silva, the chairman of selectors, and Duleep Mendis, the chief executive of the Sri Lankan Board. De Silva was one of two Sri Lankans to be mentioned in the report into match-fixing by India's Central Bureau of Investigation, in which the Indian bookmaker Mukesh Gupte testified that he had paid de Silva and Arjuna Ranatunga for fixing the Lucknow Test of 1994. A subsequent judicial inquiry in Sri Lanka exonerated them on the grounds that Gupte's evidence was 'inadequate and untested'.

The sum of 1.1 million rupees (£6,500) was found in Atapattu's room in the Earl Regency hotel in Kandy five days after the second Test. He has denied all knowledge of the money or where it came from. Atapattu is renowned for his integrity and was expected to be made Test captain after the World Cup last year, but was appointed to be the one-day captain only. He is also renowned for a dressing-room scene he once had with de Silva.

Mendis has just taken over as temporary chief executive from another former player Anura Tennekoon. A major job ahead of Mendis is to negotiate the next TV contract for Sri Lankan cricket. It should be worth about $5 million (£2.7 million) a year over the next three years: a huge sum in a country with a sterile economy which has been forced to stand still for almost 20 years by the civil war with Tamil separatists.

Most powerful of all, however, is the president of the Sri Lankan Board and so much else besides, the jewellery-dripping 40-year-old businessman Thilanga Sumathipala. He is the chairman of Sri Lanka Telecom; he used to own one of the two legal bookmaking companies on the island, before handing over the company to his brother Jagath. But the extent of his power can be best gauged by the fact that he is known as the king-maker of Sri Lankan politics. It was his switch from the People's Alliance to the United National Party which helped to elect the current prime minister Ranil Wickramasinghe.

On Nov 27 last year the Sri Lankan Attorney-General issued a warrant for Sumathipala's arrest. The charge, under the Immigration and Emigration Act, was that he had assisted Dammika Amarasinghe to travel to England under a false passport to watch the 1999 World Cup. Amarasinghe was being prosecuted for a series of contract killings and attempted assassinations when he was shot dead on Friday.

On the same evening of Nov 27 police visited Sumathipala's house in Colombo but could not find him. The president of the Sri Lankan Board was not seen in public again until Dec 8, when he was discharged by an acting magistrate. It so happened that it was a Poya Day, or Buddhist holy day, and the prosecution were not present. A group of lawyers objected and signed a petition to the Chief Justice charging Sumathipala's lawyers - one of them, Ananda Wijesekera, the president of the Sri Lanka Bar Association - with gross misconduct.

On Dec 10 a magistrate's court overturned the discharge and issued Sumathipala with a summons. On Jan 1

the CID obtained a warrant to search the cricket board's headquarters for evidence. On Jan 8, last Thursday, Sumathipala failed to appear in court: his lawyers claimed that he was too ill and had been admitted to the Apollo hospital in Colombo. The judge, T B Boyagama, ordered that he be examined by a judicial medical officer who was to report back tomorrow. The judge also called for Amarasinghe to be brought before the court tomorrow.

On Friday (9 January) morning Amarasinghe was shot dead while attending another trial in the Colombo courts. The gunman, wearing a lawyer's robes, pulled out a pistol from his socks; two others were injured. He was found to be an army deserter who had a brother, Beddagama Sanjeeva, that Amarasinghe was accused of killing.

Now it can be asked how much a gangland killing matters to the rest of the world. Is it not just a reflection of how Sri Lanka - once the happy isle, the seat of serendipidity - has been turned by its civil war, only lately suspended by a truce, into the Ulster of the Orient?

On two counts it matters. One is that there are other cricket-playing countries with poor economies which have seen a sudden and relatively huge influx of TV-related revenue. The subsequent temptations are rife, and Sri Lanka at present is simply the most obvious place that is succumbing to them.Secondly, unless the picture changes, the president of the International Cricket Council in five years' time is going to be none other than Thilanga Sumathipala. The ICC do not publish their electoral procedure but it is understood that the regulations prohibit successive presidents from the same continent, and also specify that a country which has already provided one president - like India and Australia - cannot provide another until the others have had a turn.

Quiet horse-trading as well has already established that the current ICC president from Pakistan, Ehsan Mani, will be followed by a South African. A New Zealander will follow him for a two-year term. Then it will be time for Sri Lanka, and for the candidate who has often stated his wish to be president, Sumathipala. One thing at least that he cannot be accused of is being equivocal about his ambition.

**(Sunday Telegraph(London), 11 January , 2004)**

# People & Politics

## ● Threat to Bribery Commission Chief

The Director-General of the Bribery and Corruption Commission Piyasena Ranasinghe has been summoned to appear before the Committee of Privileges of Parliament. It is learnt that this is a consequence to a complaint made by the governing UNP Member of Parliament for the Puttalam District, Mr Palitha Ranga Bandara, against the Commission alleging a matter of breach of parliamentary privilege.

The MP had earlier complained to the Speaker that after he had criticised the Commission once a Bribery investigation against him had been completed, the Commission had resumed the investigation against him. Commissioner Mr. Ranasinghe's summons to appear before the Privileges Committee follows this complaint by the MP concerned.

The move to summon the Director General of the Commission, who is expected act impartially without fear or favour, would appear to cause deep concern among MPs, Legal Experts and Civic Organisations. They consider the action of the MP and the Speaker in authorising issuing of the summons as a gross interference in the performance of the functions of an independent Commission. "This is tantamount to stifling its integrity and independence. The Speaker should have refused to issue the summons," an opposition MP said.

Mr. Ranasinghe has confirmed that he has received such a summons. However, he emphasised that even when the MP in question had made the statement in Parliament, the investigations against him was continuing and that there was no question of a closed file being re-opened as the MP has alleged in his complaint to the Speaker.

Expressing his views on the matter, Ratnapura District MP John Seneviratne is quoted as saying that if politicians are truly committed to a bribery-free society, they should not challenge the work of such independent bodies as the Bribery Commission.

Attorney-at-Law Krishantha Weliamuna, Director of Transparency International is reported to have said that as far as the Bribery and Corruption Commission or the revealing of assets are concerned, there can be no question of Parliamentary Privilege, because MPs are also considered to be public servants. He added that neither the Executive, the Legislature nor the Judiciary should influence the Commission and that any such influence can create a wrong precedent.

Attorney-at-Law S. G. Punchihewa was of the view that even if a Member of Parliament was within his rights to raise a matter of privilege, he should fearlessly face such an inquiry.

The convenor of the Free-Media Movement Sunanda Deshapriya said that since all citizens are equal before the Commission it would be a wrong precedent to challenge its activities on the grounds of Parliamentary Privilege before a different tribunal.

Meanwhile, T*he Sunday Island* (11 January) quoting "informed sources" reported that, "A foreign investor pulled out after a Minister demanded a Rs. 30 million bribe to authorise a project to produce canned fish products." The amount demanded was 10 percent of the total investment.

A newspaper report on 13 January stated that steps have been finalised to forward by January 31 complaints against 15 Government Ministers against whom serious charges of corruption have been made before the Commission to Investigate Allegations of Bribery and Corruption, according to Convenor of the PA group of backbenchers appointed by the President to look into the financial misdeeds of Government politicos.

## ● Like Fathers, Like Sons!

Cabinet Ministers S.B. Dissanayake and Mahinda Wijesekara are themselves known for their excesses deploying their political clout on various occasions causing great embarrassment to Prime Minister Ranil Wickramasinghe and his government. Now their sons are

following in the fathers' footsteps.

According to a report in *'The Sunday Times'*, on Friday night 9 January, the two sons of Mr Dissanayake and a son of Mr Wijesekera were reportedly involved in an attack on a group of relatives of a non-cabinet Minister Kabeer Hasheem and their friends outside a night club in Colombo and are said to have damaged two vehicles in a violent brawl. The incident occurred outside Cascade, adjoining Colombo Plaza hotel in Colpetty. Several were injured, two of them seriously.

The incident had started when the Ministers' sons entered into a heated argument at the discotheque at the Blue Elephant nightclub at the Hilton Hotel earlier in the night. The dispute had been resolved and the other group had left the hotel and visited the night club at Cascade in Colpetty. The Ministers' sons had allegedly followed them and waited in the car park of the night club. A member of other group walked up to them to sort out the dispute. But the Ministers' sons, backed by another group of 15 to 20, are alleged to have assaulted them with baseball bats and bicycle chains for about 15 minutes.

One lost several teeth while Hashim's red pajero was badly damaged and the windscreen smashed. The boy who lost his teeth, Mahen, was warded at the Colombo General hospital while Hashim's relatives and another friend received treatment at the Apollo and Durdan's hospital before being discharged one with a bad cut on his nose. A security guard employed at Cascades had also been beaten up in the fight as well as a police sergeant who was robbed of his walkie talkie as well by the unruly mob.

Ministerial bodyguards were reported to have been present at the scene and later claimed that one of their communication instruments had gone missing. Police had been alerted by the night club and soon after the police arrived the group had disappeared from the scene. Two brothers-in-law of Minister Hasheem were among the people who had been assaulted. One of the injured persons had suffered a severe blow on the head while another had lost two teeth, an affected party claimed.

The two sons of Minister Dissanayake who are said to be studying abroad and currently on holiday in Sri Lanka and Minister Wijesekara's son have been named in the complaint. The same three sons of the Ministers have been involved in similar incidents at five star hotels in Colombo on earlier occasions as well, according to the police.

To avoid embarrassment to the government and the PM, initially Minister Hashim was brought under pressure by some 'important personalities' from government to withdraw the complaint made to the Colpetty police but his relations had refused to do so.

The theft of the two walkie talkies is an offence against public property and the attack on the police sergeant is an offence against a public officer in the discharge of his duties. Both are non bailable offences.

The newly appointed IGP, Indra de Silva had said that necessary action would be taken against those responsible for the incident. Minister Hasheem wanted the police should take prompt action against those responsible for the incident.

Police said the two sons of Minister Dissanayake and the son of Minister Wijesekera have been summoned and if they did not report to the police a court order would be obtained for their arrest.

*'The Island'* in an editorial under the title 'Like fathers, like sons!' commented: "Ministerial brats have done it again! Two sons of two senior ministers, true to form, turned the car park of a Colombo hotel into a mini battle field Friday night assaulting as they did kinsmen of another minister with baseball bats and bicycle chains. The clash left two hospitalised with serious injuries and two vehicles damaged. The 'casus belli' had been a row at a discotheque, where the ministers' sons had locked horns with another group.

A few months ago, it should be recalled, a minister's son gave a ruptured ear to a policeman who tried to prevent him from spray-painting obscene graffiti on a convent wall in Colombo. Close on the heels of this incident, another minister's son-in-law, sozzled to the gills, kicked a traffic policeman in the abdomen following a car crash.

Evidently, we are in for another generation of political thugs following in the footsteps of their fathers whose track records stink to high heaven. With weapons, private armies and fathers' wealth at their disposal, this kind of violent behaviour on the part of the progeny of politicos is something to be expected.

Of the two ministers whose sons were allegedly involved in the incident at issue, one has, according to reports, sought to play down the clash claiming that when the youth go out things like that happen. If that is so, then he and his government had better make it mandatory for the youth to wear crash helmets whenever they go out irrespective of whether they are riding motorcycles or not....

A drunken brawl is not something unusual at a nightclub. But when the parties to it settle scores by bringing in thugs causing serious injuries and damaging vehicles, then it becomes a serious violation of law that warrants immediate arrest of the perpetrators.....

Meanwhile, it is reported that one of the vehicles that were damaged in the attack belongs to the Ministry of Tertiary Education and Training. What was a ministry vehicle doing there at that hour? And who was using it on that day? These questions, too, must be answered in the public interest."

## ● UNHCR Award for Gender Equality

Three Sri Lankan women, Ms. Aruni Arulsubramaniam, Ms. Sitralega Maunaguru and Ms. N.G. Kamalawathie have been internationally honoured for their efforts to support displaced women, with each being awarded the United Nations High Commissioner for Refugees (UNHCR) 2003 Award for the Promotion of Gender Equality. The award recognizes displaced persons, UNCHR partners and UNHCR staff members who have made "deliberate and effective efforts to promote gender equality and empower refugee women", a UNHCR Press release said.

Ms. Maunaguru, who has herself been displaced by Sri Lanka's armed conflict, has been a leading advocate for women's rights in Sri Lanka, particularly in the east of the county. A lecturer at Eastern University, she was one of the founder members of the Suriya Women's Development Centre, based in Batticaloa.

Ms. Kamalawathie is the President and the founder of the Association of Women with Disabilities (AKASA), based in Anuradhapura District. AKASA works to empower the disabled by promoting their abilities and skills and promoting their basic rights.

The nomination of Ms. Arulsubramaniam (27) who works with UNHCR in Trincomalee, referred to the great maturity she has shown for such a young woman when dealing with sen-

sitive issues, such as violence against women. Ms. Arulsubramaniam travelled to Geneva to receive the award from the High Commissioner, Mr. Rudd Lubbers. Receiving her award, she spoke of efforts to enable displaced women to take part in representative committee which with UNCHR's support are being established in welfare centres in the district. "Women in welfare centres in Trincomalee are becoming equally representative in all walks of their lives", she said.

Presenting the awards, Mr. Lubbers said it gave him great pleasure to give formal and public recognition to some of those who worked to promote gender equality. "We cannot say that the promotion of gender equality is someone elses responsibility," he said. "It must be everyone's business and everyone must be ready to be held accountable." Mr Lubbers also drew particular attention to the issue of violence against women as in impediment to gender equality. "Violence prevents refugee women and girls from living full lives in safety and security", he said.

### ● Revision of history

Jan 10 - Following reported moves by the LTTE to distribute its own history textbooks in northern Sri Lanka, newspapers in Colombo have been busy commenting and expressing 'deep concern' and calling for a probe into the report. For several years now, the LTTE has its version of history circulated in the areas under its control "to supplement" the mainstream courses in the national curriculum. However recently it was reported that the LTTE was distributing them in the Jaffna peninsula as well.

The LTTE's leader of the education wing, Ilankumaran, told a few months ago that its history textbooks were aimed "at increasing popular interest in the subject" and that "the mainstream curriculum is followed for the national and school leaving examination". According to the LTTE's education wing, just 65 Tamil students appeared for the history subject in 1998, compared to 5,335 Sinhalese students. It says the mainstream books prepared by the national board "have errors"'.

Moreover, as Tamil translations of the history books prescribed in the mainstream curriculum, such as the Indian historian, Nilakanda Shastri's book, "are not available"', the education department "circulates copies among school teachers"'. Named 'Social Sciences and History', the slim textbooks, according to the LTTE, are aimed at correcting the "Sinhala bias"' in the official textbooks. The LTTE says this "has resulted in a lack of interest by Tamil students" in history, hence their books.

The book for class VI starts with a chapter "National anthem, national flag and national insignia"'. The red and yellow LTTE flag, with the emblem of the roaring Tiger, but without the name of the organisation, "was announced as the national flag by the Tamil national leader, Prabakaran in 1990", the book says. The four-stanza 'national anthem', with a chorus, sings the praise of the 'national flag' and the "fallen heroes"'. While there is no specific mention of the "national insignia", the textbook says "once a Tamil Eelam Government is formed, we would have to have a Tamil Eelam insignia". The next chapter on "Tamil Eelam and the freedom struggle" places the extent of "Tamil Eelam" at about 20,000 sq. km., spread across "the Sri Lankan island's north, east and central districts".

### ● Cops to learn Tamil

Learning the Tamil and English languages will never hamper the Sinhala language; the 66,000 strong police force has only 600 Tamil-speaking officers; and this is inadequate for daily work, especially in the North and East, said Police Higher Training DIG Gunasena Thenabadu.

Addressing Sinhala police officers who completed a Tamil language course organised by the Department of Official Languages and assisted by the Police Higher Training Institute, he said the Police Department needed more Tamil speaking officers to manage the North-East police stations smoothly.

The entire proceedings, except the speeches from the head table, were conducted in Tamil by Police Higher Training Institute officials. Two Tamil songs were sung by a woman constable and a constable who followed the Tamil course. DIG Thenabadu paid a tribute to Department of Official Languages officials including Chairman D.E.W. Gunasekera and Commissioner Padma Jayasekera for assisting to teach Tamil to police personnel.

Learning Tamil will also help police personnel in promotions, the DIG said. "Make use of what you learnt when following the course and assist other colleagues," DIG Thenabadu told the officers.

D.E.W. Gunasekera addressing police personnel who followed the Tamil course said the LTTE would have never been born if Sri Lankans knew Sinhala, Tamil and English languages. "Police personnel are very close to the public. We have citizens speaking all three languages. Several problems arose in this country due to the language problem. Tamil speaking people are not only living in the North-East but also in Ampara, Batticaloa, Trincomalee and Badulla," he said.

"If we build a good relationship between the Sinhala, Tamil and Muslims, we need not have obtained any assistance of Americans, Norwegians or Indians to solve our problems," Gunasekera added. He assured that the Department of Official Languages would give the maximum assistance to police personnel to learn Tamil language.

### ● Arrests on spying charges?

The LTTE has arrested a south Indian businessman on the suspicion that he is a spy for India, according to a report in *The Sunday Times* (Colombo). A senior LTTE cadre, of the rank of "Major"", has also been taken into custody in this connection, the paper added.

Further inquiries revealed that the businessman was from Thanjavur in Tamil Nadu and had been taken into custody during a search operation conducted by the LTTE in Mannar in north-west Sri Lanka between December 2 and 11.

According to the newspaper, the LTTE was searching for "Indian infiltrators" into the North, an area in which it is entrenched. The "anti-Indian push", which included checking at various places in the Wanni, the heartland of the LTTE, was mounted following reports that India was going to sign a Defence Cooperation Agreement (DCA) with Sri Lanka soon.

The paper reports that a team of Sri Lankan officials led by Defence Secretary Cyril Herath and comprising Army Commander, Lt Gen Lionel Balagalle and Nigel Hatch, an attorney at law, would be leaving Colombo for New Delhi on January 14 to begin discussions on the DCA.

The team would also discuss the more immediate nitty gritty issues of joint patrolling by the Indian and Sri Lankan Navies, the supply of Indian equipment to the Sri Lankan armed forces and increased training facilities

for them in India. India has already offered military transport aircraft on lease and SL Rs 300 million for the repair of the runway in the only airfield in Jaffna at Palaly.

Meanwhile, the Hindustan Times reported that it has learnt that the Indian authorities are trying to ascertain, if the story of the arrest of the Indian businessman is true and if true, his identity, and mission.

One theory floating in Colombo is that the detained individual could be an agent of big fishing trawler owners from Nagapattinam in the former Thanjavur district in Tamil Nadu, trying to strike a "deal" with the Sri Lankan Tamil fishermen. Big businessmen are involved in fishing in the Palk Strait as owners of fair sized mechanised trawlers. It is now established that "greedy" fishing trawler owners force poor fishermen to fish in the Palk Bay, well inside Sri Lankan waters because that is where the high priced prawns are.

But the intruding fishermen have run into stiff resistance from the resurgent Sri Lankan Tamil fishing community in Jaffna and Mannar. The intruders are being detained and handed over to the Sri Lankan Navy, causing a stir in Tamil Nadu over a long stretch from Nagapattinam to Rameswaram.

**● Politico behind human smuggling**

The CID and Police hunting for the suspects behind the recent human smuggling attempt where 269 Italy bound illegal migrants were taken into custody by the Navy on December 23 near Iranawila had uncovered evidence pointing to the involvement of a leading UNF government politico, in the racket, a senior police officer revealed.

Investigations so far revealed that apart from the two masterminds, between 10 to 15 sub-agents were behind the deal, SSP D.Y.S Samaratunga told the press. Though the trawler boat valued at around Rs. 5 million was built to carry only 160 passengers, it was transporting 269 persons, the SSP said adding that had the vessel developed a mechanical fault and stalled in mid sea all on board would have perished since the journey to Italy was to last 20 - 30 days. A senior police officer also said that a suspect in custody had revealed that the boat capable of carrying only 160 people was loaded with another 100 at the request of the politico to the main human smuggling agent.

According to the confession by the suspect although the main agent had planned to take 169 people to Italy, the politico is alleged to have interfered in the deal and had requested the agent to take another 100 people. The politico who had collected the money from 100 would be migrants had later handed over these persons to the main agent sans the money to transport them to Italy.

It is also revealed that the chief human smuggling agent realising the risk faced by the overloaded trawler and also the prospect of being cheated by the politico had allegedly tipped off the CID.

The persons ready to flee to Italy were taken in a dingy boat to the trawler which was anchored four miles offshore near Iranawila.


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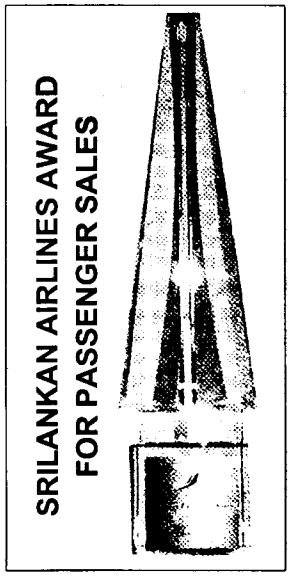


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# Why confine freedom to the State media?

**Lucien Rajakarunanayake**

Not surprisingly, the Free Media Movement jumped at the idea of setting up an Independent Media Council, to ensure the freedom of the State Media. They even asked for it as soon as possible, because an IFJ sponsored international conference on "The Challenge of Public Broadcasting in Asia" was held here from 1 to 3 December.

There is absolutely no need to take any such action just to impress some foreign media activists here for a conference. If any consensus is to be reached on this matter, it should be to convince the people of Sri Lanka of the commitment of the State to Media Freedom as a whole and not just one section of the media.

The FMM states: "in a statement released soon after the president took over the Ministry of Mass Communication, FMM urged the president and the government to take steps to transform state media into genuine public service media institutions. This request was reiterated and emphasized by two major international media and journalists' organizations, the International Press Institute (IPI) and the International Federation of Journalists (IFJ), in separate statements issued soon afterwards."

Of these two organizations, the International Federation of Journalists (IFJ) at least issued a statement condemning the arbitrary action taken by the former Chairman of ANCL against a journalist of the 'Dinamina' and even threatened raising it at the ILO.

The other organization, the International Press Institute (IPI), showed no concern about how journalists and workers in the government media organizations were treated from the time the UNF government was elected in December 2001. Even if one is to believe that the FMM had any concern about the large scale victimization of over 200 journalists and media personnel by the UNF government and its lackeys, it certainly did nothing to stop it all the while.

Even though suggested by the President, what prompts this haste to establish a Media Council to transform the State media into genuine public service media institutions? Personally, I am indeed wary of these commissions and councils, having seen the ill-thought out, but hastily introduced "independent commissions" to oversee the Police, the Public Service and the conduct of elections.

The 17th amendment to the Constitution that brought in these commissions was supported by all but the TNA members in Parliament, who had other priorities than the appointment of commissions.

Although the UNP, supported by the JVP, and actively backed by the private media, created the impression that independent commissions would be the panacea for all our political problems, reality shows that "government by commission" is certainly not working.

### No Government media

The question that one has to ask now is why a Media Council for the State media only? There is certainly no fault in seeking ways and means of ensuring good Public Service Media in the country. It is proper for the State media to give a lead in this matter. But that is a long term solution and certainly cannot be achieved by a Media Council to see the "freedom" or "independence" of the State media only.

It is important to understand, whether one likes it or not, that there is a qualitative difference in what is described as the State media today. All these years there was the easy criticism that the institutions of the State media were the voice or even the trumpet of the Government.

However, with the recent take over the Ministry of Mass Communications by the President, and judging the emphasis with which the UNF seeks to distance itself from the President, showing that she is not part of Government, it is highly questionable whether the State media organizations can any more be considered the "Voice of the Government".

What has happened today is that there is a section of the media that is owned or controlled by the State that comes under the President, which by interpretation of the UNF's insistence that the President is not part of the Government, is an Opposition media, and not the servile voice of the Government anymore. It is this contrast, where the Government does not have control of a powerful section of the media, which prompts organizations such as the FMM and others to urge rapid action on consensus to transform the State media into a Public Service Media.

They ignore how the UNF government used these institutions for vengeance against journalists, contemptible public misinformation with open disregard for the truth, and to actively foster a decline in the values of decency and good taste, especially in the electronic media.

What we now have is a "State" media not controlled by a Parliamentary majority. Far from needing a Media Council to ensure the freedom of the State media, it is now the duty of President and the Opposition, that has greater influence over these sections of the media, to ensure there is much more independence for the journalists in these organizations, and carry out changes to make them represent a wider spectrum of public opinion on matters of national importance.

Creative methods should be found to make then carry out the genuine educational role that is part of their responsibility, in addition to entertainment, whether it is political or otherwise. Doing this, will to a large extent make them examples of Public Interest Media.

It is certainly not the role of the media to carry on balancing acts between the government and the opposition. The entire concept of balanced reportage is one by which you present all or as many sides to an issue or an event. It is not any proof of freedom to make media organizations assure political parties of a certain amount of time, especially on the electronic media.

With over 40 political parties registered in the country, this will be an impossible task to achieve. Giving time to parties represented in Parliament only, is being unfair by those that are not in Parliament that may have a valid point of view to present.

This kind of balancing act could justify a demand that a party or political grouping that has more MPs in Parliament should have a proportionately larger time than parties with lesser MPs. One must not forget that the parties represented Parliament have good organizational resources, and they can always express their views in Parliament, that will be reported.

The concept of balanced media coverage requires that more opportunity be given to the voices of dissent within society, and the assurance that what is reported is what is in fact topical, rich in content and newsworthy. The weighing of a subject should be on its merits of genuine public interest, and how much it will engender serious debate and discussion among the public.

This should not be to the exclusion of good, quality entertainment, with a considerable content of what is local, thereby fostering the development of local talent. In the current context in Sri Lanka, it is also necessary that both the print and electronic media, especially in Sinhala and Tamil, provide much more foreign news, analysis of foreign political developments as well as education and science.

All of this can be achieved without any Media Council to ensure the freedom of the State media. Also, one need not be overawed by the so-called BBC model in crafting our own guidelines in broadcasting.

Anyone who saw how BBC, as well as other wire services, reported what happened in Sri Lanka no sooner the President took over the portfolios of Defence, Interior and Mass Communications, will shudder at our trying to copy BBC models or standards of freedom or reportage. BBC told the world that what had taken place was a "coup" although not in the same word. The same report added, however, that everything was done very legally. The day after the President's action a BBC TV report on its South Asia service said the President had taken over the portfolio of Defence at a time when the Tamil Tigers were laying down their arms, and also decommissioning their weapons. From what cuckoo land did that story come?

So much for the BBC model! This is not to say one must not learn from the technological advances and the better traditions of the BBC, or even better the Canadian Broadcasting Corporation and other good international media institutions.

**Include them all**

If any Media Council is to be established it should of necessity cover the entire media in the country, both State and private. There is considerable criticism that can be made of the standards of the private media in this country, of its partisan nature and its massive contribution to the decline in standards of language, culture, decency and good taste. There are many questions about the freedom of the journalist in these organizations. The standards and quality of advertising, especially on TV, are also matters for grave concern. One must also not be led to believe that privatization of the state media is the answer to its many faults. That will only help replicate the currents evils of the private media.

For anyone who seeks to bring about changes in media culture through a media council, it will be useful to read the "Report of the Committee to Advise on the Reform of Laws Affecting Media Freedom and Freedom of Expression" that was chaired by none other than Mr. R. K. W. Goonesekere P. C. The committee was appointed by the PA Government in 1995, and it recommended a Media Council embracing all sectors or the media. ❐


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# Looking beyond the Cease-fire

Lakshman Gunasekera

*"Victory breeds hatred, for the defeated lie down in sorrow."* If the political leaderships of today cannot hold these words of the Dhammapada firmly in their moral sights as they strategise, how can our society successfully manage the multiple tensions and contests between groups and individuals and provide the environment necessary for civilisation's continuity?

That is, presuming that there is civilisation on this island. Some may say that there was, but no more. Others would insist on the challenge of recovering our civilisation.

A society barely recovering from the horrors and tragedy of war in the welcome but meagre quiet of a 'cease-fire', cannot but reel in shock on hearing that the political leadership that helped establish that Cease-fire Agreement barely two years ago wishes to scrap the Agreement. After the nightmare of the past 25 years or more of insurgency and political violence how could humans bear the further shock of the prospect of a return to that nightmare?

Fortunately, Prime Minister Ranil Wickremesinghe, who made that shocking announcement about the current status of the February 2002 Cease-fire Agreement (CFA) early last week, seems to have subsequently clarified his position. On Wednesday (7 January) he told another rural audience that only some clauses of CFA 2002 "may be invalidated" by the President's takeover of the Defence and other Cabinet ministerial portfolios. It is up to the Prime Minister to explain to the people how CFA 2002 has been "invalidated". Such detailed examination of the current political situation is useful and necessary. And, here, I am not being facetious. I think that every aspect of our political problems need to be understood because our response to these problems then become adequate and comprehensive. The Presidency certainly needs to be alert to any continuing repercussions to its move to take over ministerial portfolios.

Likewise, the UNP Government should also be cautious about its pronouncements on such crucial matters. The Prime Minister's first public hint about ending the Cease-fire Agreement not merely sent a general shock wave through society but specifically jolted important economic sectors.

The tour operators and hoteliers, who had begun prospering again almost immediately with the onset of the Cease-fire (such is the close link between politics and economics), could only clutch feebly at their group reservation vouchers and FIT itineraries as they contemplated the prospect of cancellations. I have yet to examine the impact of the Premier's statement on the stockmarket. Hopefully, the Mr. Wickremsinghe's subsequent clarification will ease the situation.

Even if some clauses may be endangered by the President's sudden move last November, the more important and more encouraging fact remains that CFA 2002 has remained stable since that dramatic shift in the balance of power at the apex of the Sri Lankan State. And that resilience is certainly to the credit of the UNP Government and the LTTE who are the signatories to the Agreement (as well as to the credit of President Kumaratunga who has done everything to keep it stable). I would rather think that the Premier celebrates that strength of the Agreement rather than speculate dangerously about its possible failure.

There is a far more important fact about CFA 2002 that must be understood and understood fully. The Cease-fire is only the suspension of hostilities, perhaps temporarily, but it can lead to a permanent peace if negotiations could result in the establishment of a new political framework that resolves the ethnic conflict and some other important issues of democracy on this island. And the establishment of a new political framework cannot be done without the full collaboration of all the significant political forces in the country.

Even if Mr. Wickremesinghe had not realised it fully, the rest of Sri Lanka, the LTTE included, had realised some time ago, that no Cease-fire can be the foundation of peace unless such political collaboration took place in a systematic manner. That is why people have voted in such large numbers to place both the UNP as well as the PA in State power, one in Government and the other in the Presidency. The LTTE, time and again, had made clear their perception of the inability of Colombo to guarantee a permanent settlement because of the lack of political collaboration among the major political formations in the South. None other than leader V. Prabhakaran himself pointed this out last year in his first general briefing of the world's news media in Kilinochchi.

It is indeed a great pity that the UNP Government had not taken that fact seriously in its conduct of the peace process. It is also a great pity that fact is still not being acknowledged by the UNP leadership.

But it is wholly inadequate for one to merely bemoan the failings of this or that political leadership. Both the PA and the UNP have been guilty of betraying the national interest in their mad scramble to cling to exclusive state power. What is more important is to seek ways and means of pushing these two major national political formations together into a larger process for peace-making.

Firstly, it is important to understand the process itself cannot be limited to formal political parties alone. The fact that the general electoral process, through the popular vote, has been helpful in edging the two major political blocs towards collaboration by placing them in 'cohabitation' is itself indicative of the positive general political dynamics that can be mobilised.

Simply put, the people generally want a nationally consensual peace process. The electoral response also indicates the high level of elector political awareness. This indicates the possibilities of an elector-participation that can go beyond the mere casting of votes. What I am talking about is the possibility of the social mobilisation of people for the peace process. Society will have to lead the politicians.

This mobilisation is helpful to serve three ends: (1) pushing the political parties together for a systematic collaboration in negotiations and political reform, (2) ensuring the representation of social group interests through non-party civic organisations and movements so that the political reform process itself is influenced by a whole variety of social and cultural voices and, (3) building a general social will towards long term ethnic community reconciliation and pluralism rather than rivalry and exclusivity.

Secondly, it is important to understand that while such a social mobilisation is vitally needed, it cannot take place in some singularly coordinated manner but is inevitably piecemeal and somewhat spontaneous. Not all of the civic groups and networks of civic organisations that are emerging or that already exist are likely to be in complete agreement with each other. But there can be confluence of some group interest on certain key issues. Even if there is not, these disparate groups can

operate on their own and parallely (and they do) in pursuit of the common end of peace.

The best example and, perhaps the most important example and one that needs to be developed, is that of the big business groups and the trade unions. Both groups have, in recent years, parallely campaigned for an end to the ethnic conflict by means of inter-party collaboration for the purpose of reform of the State.

Today we have big business represented in the Joint Business Forum. We also have a number of peace support movements at mass level that have the backing of the leadership of these trade union networks. The New Left Front, for example, is a political leadership that heads a powerful trade union bloc and is linked in political empathy on peace issues with similar working class forces.

It is vitally important that both big business and these working class forces, even acting independently, fine-tune their separate endeavours. They must evolve strategies to push the major national political parties together into not merely a loose 'cohabitation' as we have had so far, but a far more elaborate, functional political collaboration framework. What we need is independent actions by both big business and the working class forces to propose mechanisms for such collaboration. And we need actions by numerous other networks of non-party civic movements from as many social layers as possible. Eminent cultural and social leaders need to come together in their own pressure group to express the expectations of the people. Civic organisations already active in supporting the peace process must facilitate such new pressure groups.

Finally, all or at least of these diverse networks and organisations need to meet in some form of national collective movement. Or, there could be two or three layers of collective movement.

While one immediate purpose of this non-party political endeavour is to push the main political parties together into systematic collaboration for peace, the other purpose should be to build a parallel non-party process of peace-making.

This is where different layers of the collective social movement could function. One could be the group of eminent citizens, another could be a people's 'constituent assembly' that could be a forum for 'brainstorming' over formulae for restructuring the Sri Lanka polity for ethnic power-sharing. Yet another layer could be groups of experts on matters of constitution, law, politics, state economic management and administration etc., who could service these different fora.

The immediate political alternative to the current impasse at the apex of Sri Lankan State is the holding of a general election. Whatever the results of that election, it is merely a continuation of the political competition process and does not bring the country any closer to the urgent task of political collaboration.

Whether the PA or the UNP wins such a general election is immaterial to the peace process. Whether the PA and UNP cohabit in power, whether one is wholly in State power and the other is in Opposition, the peace process cannot go forward unless there is some form of equitable participation and sharing of responsibility in the conduct of that peace process.

It is ultimately up to Sri Lankan society to ensure that these two political blocs move towards that collaboration. That is why it is important for social sectors to mobilise outside the immediate political sphere for the purpose of influencing the political sphere in a significant manner. This is a moment of national crisis which clearly shows the need for action far beyond the formally 'political'.

**(Courtesy: Sunday Observer)**

# LTTE's ISGA and the Meaning of Right to Self-Determination

**Siva Bhaskaradas**

For the first time, the Liberation Tigers of Tamil Eelam (LTTE) on behalf of the Tamils presented their Interim Administration proposal called Interim Self-Governing Authority (ISGA) towards resolving the current ethnic conflict in Sri Lanka. The ISGA is a comprehensive and counter proposal to the one submitted by the Government of Sri Lanka in July 2003 for the establishment of an interim administration for the Northeast region of the island. The author considers that the ISGA is a credible alternative to an independent state of Tamil Eelam from the Tamils' point of view.

Many commentators have sharply criticised the ISGA either as a stepping stone to secession or overriding the Oslo declaration. Oslo declaration states that the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. This paper strives to examine the criticism in relation to self-determination.

LTTE's inclusion of the principle of the right to self-determination of peoples in their proposal for the ISGA for the North-east of Sri Lanka has raised concerns particularly among the southern Sri Lankan polity and other southern establishments. This concept of self-determination of peoples is mentioned in the preamble of the ISGA as follows: "Consistent with the principles of the rule of law, the human rights and equality of all persons, and the right to self-determination of Peoples, determined to bring lasting peace to all persons of the island of Sri Lanka."

One commentator has argued that the LTTE is more interested in secession rather than integrating into Sri Lanka as an autonomous region because the word 'internal self-determination' has been thoughtfully excluded from the ISGA proposal. The author believes that this notion is wrong because the right to self-determination must be separated from the right to secession.

Article 1 of the UN's both Covenants proclaims as follows:"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

Other international instruments such as the Final Act of the Helsinki Conference 1975 (8th Principle), the Algiers Charter 1976 also known as the Universal Declaration of the Rights of Peoples (Article 5), the African Charter on Human and Peoples' Rights (Article 20) proclaim the right to self-determination of all peoples. All these documents confirm both internal and external self-determination without naming internal or external self-determination.

If the LTTE's intention were to secede from Sri Lanka, they would have included an additional clause in the ISGA stating the conditions under which the Tamil people can secede. Inclusion of the right to secession in a proposal or any document is definitely contrary to the very idea of federal principles, and this right is a confederal feature. For example, the 1994 Ethiopian

(continued on page 37)

# NEWS TRACK

## Reduction in LTTE taxes

Dec 14 - At a press briefing held at the office of the Thamileelam Police at Pallai in northern Sri Lanka, Head of the Financial Division of theLTTE, Mr. Thamilenthi, announced that a list of essential materials including books, magazines, agricultural inputs, animal feed, boats, outboard engines, fishing gear, candle and camphor would be exempted from tax with effect from 1 January 2004.

Meanwhile, tax on several other items which included tea, selected categories of milk food, coffee, dry fish and materials made of aluminum, silver and galvanized products have been reduced. However, current tax on imported rice, chicken meat and egg has been increased to promote local production of these items, Thamilenthi said.

"We lose one hundred million rupees annually due to the proposed tax exemption and reduction. But these measures have been taken to assist the people to enhance their employment opportunities and their economic development," said Mr Thamilenthi.

Tax will not be imposed on articles brought by persons who went to reside permanently in the northeast and government servants who have been transferred there. The current tax exemption will continue on items such as computers for educational purposes, ordinary milk food and relief materials brought by government departments with prior permission and by the non-governmental organizations, it was announced at the press briefing.

### No govt recognition for Eelam Bank

Dec 16 – "Neither the Central Bank of Sri Lanka nor the Ministry of Finance of Government of Sri Lanka has given approval for the functioning of the Tamil Eelam Bank, several branches of which are located in the LTTE controlled areas," said Finance Minister, Mr.K.N.Choksy, during discussions in Sri Lanka parliament.

Mr.Choksy was answering a question posed by Peoples' Alliance (PA) parliamentarian Dinesh Gunawardene who alleged that a Sri Lanka Government Bank has issued a circular implying legitimacy to Tamil Eelam Bank. Mr. Gunawardene also indicated that Tamil Eelam Bank branches are operating in Trincomalee and Sampoor.

"Sri Lanka Government does not accept the legality of the Tamil Eelam Bank, and we have not given permission to members of the public to maintain accounts or to conduct transactions with the Tamil Eelam Bank. If the alleged circular issued by the said Sri Lanka Bank is true, then we will investigate the matter and will take appropriate action," the Minister said.

## Telecommunication to Kilinochchi enhanced

Dec 17 - A new Telephone Exchange capable of supporting 500 land lines to Kilinochchi district, in northern Sri Lanka,where the head quarters of the LTTE is located, has been built in Paranthan and new telephone services are to begin starting today, said S.Kanagasooriar, Director of Sri Lanka Telecom NorthEast district.

Currently Kilinochchi has a temporary setup of about 60 telephone lines supported by temporary microwave links that operate as part of the Jaffna exchange using the same exchange code 222.

Once the Kilinochchi lines are connected to the new Paranthan exchange, additional 40 lines to Kilinochchi will become serviceable immediately, he added.

A new microwave tower has been constructed in Paranthan to provide connectivity to the Paranthan exchange from the national telecom infrastructure. The exchange code 222 currently being used behind the area code 021 will change to 228 for Kilinochchi/Paranthan lines, Mr. Kanagasooriar said. He also said that efforts are underway to provide wireless services to Kilinochchi district, and base stations with cellular towers will be constructed in a few population centers to facilitate the use of cell phones in Kilinochchi district.

## Grenade attack on Muslim shop

Dec 19 - No one was injured and the front portion of the building was damaged when unidentified persons lobbed a grenade yesterday at a textile shop run by a Muslim trader, which is located along the Third Cross Street in the heart of Trincomalee town in eastern Sri Lanka.

Almost all shops belonging to Muslim traders along the North Central Road and Central Road in Trincomalee remained closed. The Sri Lanka Army and Police deployed more personnel in the town at strategic junctions to maintain law and order.

## Police indicted in torture-rape case

Dec 20 - The Attorney General has decided to indict four of the six suspects in the Mannar torture and rape of two married Tamil women S.Sivamani and Vijikala by several police officials and soldiers in March 2001 while the women were being held by the Special Investigation Unit (SIU) of Mannar Police, according to legal sources.

State Counsel Mr. Riyaz Hamza informed of the AG's decision to the Supreme Court that the indictments would be filed in the Anuradhapura Magistrate Court next month against four suspects including Inspector of Police Mr.M.P.M.Suraweera and police constables Mr. M.Rajendra and Mr.D.B.Wimalaretna.

All the accused were working in the SIU Mannar Police at the time of offence. Two other suspects, Commanding Officer of the Mannar navy camp and officer in charge of the Mannar Police have been exonerated after investigation, the Supreme Court was further informed.

The Fundamental Rights petition filed by one of the two Tamil women Ms S.Sivamani came up for inquiry on 16 December before a three-member bench of the Supreme Court comprising Justices Ameer Ismail, Asoka de Silva and Nihal Jayasinghe. The petitioner Ms Sivamani, a mother of three children said in her Fundamental Rights application that she was arrested on March 19, 2001 along with her son, another woman Vijikala and her husband by the Navy personnel for allegedly having contacts with the LTTE. Later they were handed over to the SIU of Mannar Police. While being detained at the SIU office the petitioner and Vijikala had been tortured and raped by police officials.

Sivamani has sought one million rupees as compensation and to take legal action against the suspects under the torture Act. The further inquiry into the FR application was put off for 3 February 2004.

## LTTE-SLMC agreement cancelled

Dec 20 - Political wing leader of the LTTE S. P. Thamilselvan said told a group of journalists on 19 December that the Memorandum of Understanding (MoU) signed between the LTTE leader Velupillai Prabhakaran and the Sri Lanka Muslim Congress leader and Minister Rauff Hakeem, in April 2002 did not exist anymore. He told the journalists who were mainly from the Eastern Province, that the SLMC leader had on several occasions said that the MoU did not exist.

"We also understood the instability of Hakeem within his own party. Even after the signing of the MoU between Prabhakaran and Hakeem, several incidents had taken place to damage the co-existence between the Tamils and the Muslims in the Eastern Province. Therefore, we now consider that the MoU does not exist anymore."

## MPGA seeks action on disappearances

Dec 21 - The Missing Persons' Guardians Association (MPGA) in Jaffna, in a letter to Sri Lanka's Minister of Justice, Mr. W.M.Lokubandara, has reminded him that no action has been taken on the disappereance of more than 600 persons in Jaffna after being arrested at checkpoints or abducted from their homes by the Sri Lanka Army in 1996, and demanded to know what happened to the youths. The MPGA said that 234 of the missing are kin of its members.

The letter states: "In March 2002, our association had a meeting at the Prime Minister's Secretariat with the PM's Secretary and the Secretary to the Minister of Rehabilitation. The officials responded that they would take action on the MPGA members' missing kin, about whom nothing has been heard since their disappearance after being arrested or abducted by the SLA. But no action has been taken so far.

"The Human Rights Commission appointed a committee headed by Mr. Devanesan Nesiah to investigate the disappearances. This committee after meeting our members produced a report that was unjust and untruthful."

The MPGA has been invited by President Chandrika Kumaratunga for a meeting with her on 31 December, a spokesperson for the body said.

## Dispute over building new bunker

Dec 23 - The Sri Lanka Army (SLA) has accused the LTTE of building a new bunker in Pullumalai in Batticaloa district in eastern Sri Lanka in violation of the Memorandum of Understanding (MoU), and has registered a complaint with the Sri Lanka Monitoring Mission (SLMM).

Pullumalai is located 40km northwest of Batticaloa town on the Chenkaladi-Badulla road. Pullumalai is a border village located at the Batticaloa-Amparai boundary. A section of the village is under the control of the LTTE and the remainder is controlled by the SLA. In the complaint to the SLMM, SLA alleged that the location of the bunker is within an area controlled by the SLA.

However, the LTTE claimed that the bunker in question is sited within the LTTE-controlled area. Mr. E. Kousalyan, the LTTE's political head in Batticaloa-Amparai, categorically denied that the LTTE was building any new sentry, bunker or camp in the SLA-controlled areas of Pullumalai. He said the matter was discussed with SLA officers during a meeting the LTTE had with SLA on December 15, and the area where the said bunker is located is well within the LTTE's control.

Members of the SLMM are reported to be planning a visit to Pullumalai to investigate the veracity of the complaint and to take appropriate action.

## Colombo-Batticaloa train service restarts

Dec 24 - The train service between Colombo and Batticaloa has been restarted and the first train from Colombo reached Batticaloa December 23 morning. The train started its return journey in the evening on the same day.

The train service is expected to continue on twice daily schedule in the morning and evening. Following the bomb attack on the railway tracks in Thannamunai in 1996, the train service was discontinued in that year. For a brief time, the train service from Colombo was in operation up to Valaichenai, but that too was discontinued and the service was stopped at Polannaruwa. Sri Lanka Police and Army removed the sleepers and rails to reinforce their sentry points. At some locations, the public had taken out the sleepers for using as firewood.

Subsequent to the signing of the Ceasefire agreement between the Government of Sri Lanka and the LTTE in 2002, the railroad was rebuilt. At the first stage, the train service was restored up to Valaichenai. Attempts were made to extend the service up to Batticaloa, on April 12 and July 1 this year, but the service had to be stopped as a result of problems with the railroad, including the removal of sleepers by unidentified persons at certain points on the railroad.

## Committee to promote Tamil-Muslim amity

Dec 26 - A twelve member committee comprising six Muslims and six Tamils was formed at a meeting held at the conference hall of the Jumma Mosque located on the Ehambaram Road in Trincomalee town to strengthen relationship between the Muslims and Tamils in the Trincomalee bazaar area and to resolve differences that may arise in future. The meeting was convened to discuss latest situation following a bomb attack on a Muslim shop in the Trincomalee bazaar few days earlier.

Trincomalee district parliamentarians Mr.R.Sampanthan and Mr.K.Thurairetnasingham and leading civil leaders of both communities participated in the meeting.

Mr.Sampanthan addressing the meeting said a lasting political solution could be found for the ethnic conflict only by accommodating the legitimate aspirations of Muslims in the east. Tamils and Muslims lived in the northeast for several generations and currently some sinister forces are bent on disrupting the cordial relationship between the two communities. Both communities should not give room or these forces to achieve their own ends, he said.

Muslim representatives participated at the meeting said a meeting should be organized to discuss some issues with the LTTE leaders in the district.

## Ministry of Internal Security formed

Dec 26 - Sri Lanka's President Chandrika Kumaratunga has promulgated a Ministry of Internal Security from 27 December, sources at the Presidential secretariat in Colombo said. The special gazette notification establishing the new ministry was signed and formally promulgated by the President.

The new ministry will replace the Ministry of Interior established by Prime Minister Ranil Wickremesinghe's government after it came to power in 2001.

However, many subjects which were under the Ministry of Interior, including the Departments of Immigration and Emigration, Registration of Persons, Dept. of Prisons would remain within the purview of the ministry of Defence. The new Ministry of Internal Security will be in charge of Police, the Special Task Force the home guards and traffic control.

## UNICEF on recruitment of child soldiers

Dec 27 - The United Nation's International Children's Educational Fund (UNICEF) has renewed its call to the LTTE to stop recruiting child solders in future and asked parents to submit more details of missing children.

"We want to create a peaceful world for children in the North and East, where they can go back to school," Sarah Epstein, UNICEF Communication Officer said. According to her, over 1252 children below the age of 16, are still in LTTE training camps and the UNICEF has evidence to show that the LTTE recruited children even after signing the Action Plan for Children Affected by War (APCAW) between the Government and the LTTE to end underage recruitment. "Eighty children have been recruited by the LTTE in October and 10 in November. From the beginning of the year 2002, over 470 child solders have been released by the LTTE", she said.

According to UNICEF data base, the LTTE had recruited a total of 1896 underage children. The highest number (529) recruitments were reported from Batticoloa followed by Jaffna 493, Vavuniya 269, Trincomalee 144, Mullaitivu 137, Mannar 122, Ampara 109 and Killinochchi 93. According to Epstein, there is an improvement in reporting about missing children to UNICEF, UNCHR and other NGOs working for children.

Forty-nine children were released at the transit centre and another batch of 19 were handed over to their families last October. "UNICEF monitors each child from the point of release", she said. She said that the UNICEF had started several programs to integrate the released children back to the society and provide them with counselling. "We will visit each of these children to see the best way to help the child return to normalacy," she said.

## Electricity Grid to be extended

Dec 29 - Kilinochchi district Electric Engineer Selvarajah Prabhakaran said that under a 2-year plan funded by the Asian Development Bank (ADB) the national electricity grid is to be extended to a new substation in Kilinochchi through a 132KV line. As precursor to this 2MV generators are to be installed in Kilinochchi and Mullaitivu to provide electricity to key towns in the two districts, he added.

Under this scheme 11 villages in Kilinochchi district and 6 villages in Mullaitivu will receive electricity. Rs81.5 million for Mullaitivu and Rs.92.7million for Kilinochchi have been allocated to implement this scheme according to Selvarajah.

Mullitivu town (2), Mulliyavallai, Thannnirootu, Puthukudiyiruppu and Manthuvil towns in Mullaitivu district are the towns to benefit under this scheme.

Kilinochchi town (2), Paranthan, Karadipoku, Vaddakachchi, Ganesapuram, CTB depot, Kanagapuram, 155th miule podt, Kanagambikaikulam, Murikandi in Kilinochchi district will receive electricity under this plan.

The effort to provide electricity to the 9.5km stretch of A9 extending from Omanthai to Puliyankulam under financial support of Rs.24million from European Commission has been temporarily suspended with only 30% of the work completed.

The delays in demining the no-man's land between the checkpoints of Sri Lanka Army (SLA) andLTTE, and high rainfall were the main causes of work slip, officials said. The project was originally scheduled for completion in September 2003.

## Monks demand anti-conversion laws

Dec 29 - More than one hundred Buddhist monks of the Jathika Sangha Sammelanaya today staged a 'fast unto death' opposite the Buddha Sasana Ministry, urging the government and President Chandrika Kumaratunga to bring in laws to curb unethical conversions.

Sammelanaya President Ven. Ellawala Medhananda Thera who organised the fast said they would continue it until the government took action to enact laws preventing Christian fundamentalist from using un-

ethical means to convert Buddhists and Hindus.

"Hundreds of Buddhists, especially in the war-ravaged North and East fall prey to fundamentalists operating under the guise of certain Non Governmental Organisations. Hindu Affairs Minister T. E. Maheshwaran has taken timely action by demanding that the government enact laws against unethical conversions. More than 7000 Hindus have already been converted unethically by certain Christian fundamentalists. This will continue, if no action is taken paving the way for religious clashes," the Thera warned.

Meanwhile, Buddha Sasana Minister W. J. M. Lokubandara who visited the site of fast and promised that he would present a Cabinet proposal to enact necessary legislation to stop unethical conversions. "We have to bring this situation to the notice of the Prime Minister and the President before a religious war erupts," he said.

## Armittage on "political impasse"

Dec 30 - The U.S. Deputy Secretary of State, Mr. Richard Armitage, who met with Sri Lanka's Minister for Economic Reform, Science and Technology, Mr. Milinda Moragoda, in Washington, DC, on 29 December said that "the current political impasse cannot be allowed to continue," and that the U.S. "looks forward to an early resumption" of the peace talks between the Government of Sri Lanka (GOSL) and the LTTE.

According to a press release on Monday, signed by the Deputy Spokesman of the U.S. State Department, Mr. Adam Ereli, and posted on the department's website, Mr. Armitage told the visiting Sri Lankan minister that the United States maintains a strong interest in Sri Lanka finding a resolution to its 20-year civil conflict," and that the current cohabitation crisis "will have a negative impact on the peace process until a clarification of responsibilities that would allow the Prime Minister to resume peace negotiations can be found."

The United States, which co-chaired a conference of nations providing aid to Sri Lanka in June 2003 in Japan, according to Mr. Armitage, would consult with the other co-chairs - Japan, Norway and the European Union - to "define a way forward after taking stock of the situation."

Mr. Armitage re-iterated his previous statements that the U.S "stands behind Sri Lanka in its search for peace."

## Two youths shot dead in Vavuniya

Dec 31 - Justin Fernando, 24, and Theivendran Thushyanthan, 18, of Nellukulam in Vavuniya in northern Sri Lanka were shot dead and their partially burnt bodies recovered from Pampaimadu area 31 December morning, security sources in Vavuniya said. The youths have been missing from the previous day after they went to Pampaimadu to collect sand in their two-wheeler, sources said.

Police rushed to the scene when residents of the area who went to collect fire-wood noted the presence of the bodies and informed the Police. Police officials said that they found the tractor loaded with sand at about 1 km along the Pampaimadu-Kidachuri road, and the bodies of the youths were located inside the jungles a short distance from the tractor.

Vavuniya Acting District Court Judge M.Sittampalam visted the scene of the incident and directed the Police to transport the bodies to Vavuniya Teaching Hospital for postmortem examinations. Inspector of Police, Wijenayake, with the assistance of the Head of Crime Division M.Wijeratne, are conducting investigations.

Security sources said that both youths have been engaged in sand collection business for a long period. Initial investigations revealed that one of the youths was a former member of Peoples Liberation Organization of Tamil Eelam (PLOTE).

## Talks on foreign aid

Jan 1 - Sri Lanka has opened talks with peace broker Norway to help resume the flow of millions of dollars in foreign aid suspended due to the power struggle in Colombo, according to a government spokesman.

Constitutional Affairs Minister G. L. Peiris said the government had begun informal talks with the Norwegian ambassador here, Hans Brattskar, asking Oslo to help persuade donors to honour 4.5 billion dollars worth of aid pledged at a June meeting in Tokyo.

"What we are concerned about is that the economic benefits must flow to the people in the entire country. Projects for which foreign aid had already been pledged should not be affected," Peiris said adding that due to the political crisis the International Monetary Fund had withheld the release of 80 million dollars which should have been given last month. Similarly, some 200 million dollars in foreign investment had been placed on hold affecting some 20,000 jobs. But Peiris admitted that the aid pledged at the donors meeting in Japan had been linked to progress in the peace process, which is now in limbo.

## Talks only with a govt with full mandate

Jan 1 - "It is impractical to hold peace negotiations when one party talks to the Tigers while another keeps the defence ministry in Sri Lanka. The international community, including Norway, has accepted this," Mr. Anton Balasingham, the political advisor of the LTTE told a Sri Lankan Minister and an MP who met him in London this week, according to the Thursday edition of Eelanaatham, a Tamil daily published from Kilinochchi, the main town in the LTTE controlled Vanni region.

"In the future we will talk only with a Sri Lankan government that would have full power and the mandate of the people," the paper quoted Mr. Balasingham as saying.

Mr. Periyasamy Chandrasekeran, MP, Sri Lanka's Minister for Community Development and Mr. Selvam Adaikalanathan, Tamil National Alliance MP for the Vanni, met Mr. Balasingham for wide ranging discussions in London, Eelanaatham said, quoting the Minister.

"The Tigers created conditions for peace even before the ceasefire agreement was signed and they have co-operated in taking forward the peace process," Mr. Balasingham was quoted as saying.

## Intelligence operative missing

Jan 2 - Ahambaram Moorthi Sabanayake joined Army Intelligence in 1985. He was a father of five children. He served on Kalladi camp, Kumburumulla camp, Kharthivu, Trincomalee, Batticaloa and Jaffna.

He later left his birth place, Batticaloa and went to reside in Colombo. As he feared being targetted by the LTTE he left Colombo and went to reside in Matale renting a house belonging to Kandiah, a friend of his father. Kandiah who was a good friend of his, later, it is said, became an enemy. Kandiah had reportedly poisoned Sabanayake while drinking tea. Kandiah later took Sabanayake to hospital. That was on August 31 last year. Now Sabanayake has gone "missing" without a trace.

His wife and the five children have been left destitute.

## Colin Powell calls for end to squabbling

Jan 3 - The United States has strongly urged Sri Lankan leaders to end their bitter power struggle that has seriously undermined an internationally-backed peace bid with Tamil Tigers.

The US Ambassador in Colombo, Jeffrey Lunstead, delivered letters from Secretary Colin Powell to President Chandrika Kumaratunga and Prime Minister Ranil Wickremesinghe stressing the need to end their squabbling.

"The secretary has sent private letters to the president and prime minister and both letters communicated his belief that a speedy resolution of the current impasse is needed," US embassy spokesman Bruce A. Lohof said. "He (the secretary) urged the two leaders to work together to resolve the dispute." The move followed a similar but a more blunt statement from Deputy Secretary of State Richard Armitage that the bitter political struggle between Sri Lanka's prime minister and the president was denting hopes for peace. Armitage last month warned the political crisis "would have a negative impact on the peace process until a clarification of responsibilities that would allow the prime minister to resume peace negotiations can be found."

## Mystery killings in Vavuniya

Jan 4 - Two youth were shot dead today by unidentified gunmen in two separate incidents in Vavuniya in northern Sri Lanka.

One of them, identified as Mr. Balasubramaniam Ajanthan, 25, by his wife, was shot dead around 11.15 a.m. in Pattakaadu, an outer suburb of the northern border town. The victim was from Alavetty in Jaffna, according to his wife. Three spent 9 m.m pistol cartridges were found near his body, Police said.

The second was shot dead while he was driving an auto rickshaw in Pandaarikulam in Vavuniya town around 7.30 p.m. Police said the victim had no personal identification papers on him. "He was wearing a pair of military camouflage shorts under his clothes", Sri Lankan Police said.

## Disputed bunker removed

Jan 4 - Members of Sri Lanka Monitoring Mission (SLMM) said that the bunker in Pullumalai in eastern Sri Lanka, which the Sri Lanka Army alleged was a violation of the Memorandum of Understanding (MoU) by the LTTE, has been removed.

SLA two weeks ago has registered a complaint with the SLMM that the LTTE was building a new bunker inside their territory. And LTTE's senior officials claimed that the bunker was located within LTTE-controlled territory

The SLMM has been conducting investigations to verify the respective claims by the SLA and the LTTE. However when a delegation from Colombo went to survey the controversial site, they found that the bunker had been dismantled.

## SLMM to hold probe into threat

Jan 5 - The SLMM (Sri Lanka Monitoring Mission) has assured Jaffna Security Forces Commander Susil Chandrapala that it would undertake a full-scale investigation into a death threat allegedly made by an LTTE leader in violation of the cease-fire agreement, according to military sources. Bjoerfors Ulf of the SLMM gave this assurance when he met Maj. Gen. Chandrapala recently at the Palaly Headquarters after the Commander had earlier this week complained that an LTTE leader had threatened to kill him if he got too close to the people. In his complaint Maj. Gen. Chandrapala had said the LTTE's Jaffna deputy political leader Thangan's recent comments at Chavakachcheri were a veiled death threat amounting to intimidation and in violation of Section 2 Subsection 1 of the cease-fire agreement.

Thangan had reportedly said that the incumbent Jaffna Commander would meet with the same fate as two former Security Forces Chiefs Majors General Ananda Hamangoda and Susantha Mendis and another Major General Larry Wijeratne. Thangan had also alleged that Chandrapala was an intelligence man raising fears that the LTTE was trying to gun him down as it did with nearly three-dozen officers in the past year.

### Help from Indian Air Force

Jan 5 - Air Marshall Donald Perera told news media in Sri Lanka that a complete refurbishment of the Palali airbase in the Jaffna peninsula by the Indian government is on the verge getting off the grounds. The Air Force commander said that the feedback by the Indian authorities so far had been extremely good and that the work would begin anytime this month as soon as the Indian High Commission gives the go ahead.

Renovations to the airport would be mainly included resurfacing of the runway, which measures 7500 feet in length and 240 feet width. Commander Perera said that the runway was not in good condition for the landing of aircraft as one side was terribly uneven. He further said that even under these conditions, the airport was still in use as there was no other alternative for the landing of planes. The most dangerous period had been during the past 20-years when the airport was in frequent use.

Representatives of the Indian Air Force have already visited Sri Lanka and have carried out surveys of the runway at Palali. Though the Indian assistance was mainly for the upgrading of the runway, they went a step further, when it was realised that even the drainage system needed to be rebuilt. The authorities are hopeful of completing both the work on the runway and the drainage system, within six months.

Sri Lankan authorities have inferred that Indian assistance on the airbase will go a long way in strengthening defence ties between the two countries. Palali airbase serves as the lifeline of defence of the entire Northern region. The whole issue was the outcome of a recent visit by Lieutenant General, Lionel Balagalle to India. The proposal was forwarded to the Indian authorities, which readily accepted to assist Sri Lanka on this matter.

### Sports ministry drops Sinhala only

Jan 6 - Sri Lanka's Sports Ministry has decided to award certificates in English language to winners of national level sports competitions organized by the ministry from this year onwards. This change will be strictly adhered to in the 30th National Sports Festival scheduled to be held later this year, ministry sources said.

Senior officials of the sports ministry in Colombo took this decision following protests by the North East Provincial Sports Ministry and other sports associations in the province against awarding certificates in Sinhala only to Tamil speaking sportspersons.

Till last year, the sports ministry in Colombo awarded certificates only in the Sinhala language and also conducted the national level competitions in Sinhala without heeding to the protest by Tamil speaking sportspersons who participated from Tamil areas of the northeast province.

The 29th National Sports Festival held last year in Kurunagala was conducted only in the Sinhala language. Announcements were made in Sinhala, thus causing immense inconvenience to Tamil sportspersons who participated in several events. All speeches were made in Sinhala without translation. Even the certificates awarded to winners were written only in Sinhala, without a word in Tamil or English. Most of the Tamil sportspersons in the northeast decided last year not to participate in any national sports competitions or national sports festivals in the future if they were conducted only in Sinhala, sources said.

## Woman owner on hunger strike

Jan 6 - A Tamil woman in Akkarapattu has commenced a hunger strike demanding that the LTTE give back her house in which they had opened an office. Army Operational Headquarters said that it received information that the LTTE was running an office after forcefully occupying the house belonging to the woman. This office was opened by the LTTE at Sagama Road in Akkarapattu three months ago. Following the forcible occupation by the LTTE, the woman's son had complained to the security forces. The SLMM too had been informed.

## PM threatens to pull out of peace process

Jan 7 - Addressing a meeting in Kurunagala, Prime Minister Ranil Wickremesinghe said today that he would have to pull out from the ceasefire agreement he signed with the LTTE and the peace process if the defence portfolio was not returned to him. President Chandrika Kumaratunga should negotiate with the Liberation Tigers to renew the ceasefire agreement with them if she does not return the key ministries. He said President Kumaratunga should take responsibility for the ceasefire agreement now because the ministry of defence is under her, he said.

"She can make necessary amendments to the ceasefire agreement by placing her signature on it in consultation with the Norwegians and by re-negotiating it with the Tigers. Article 4 of the ceasefire agreement

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provides for this," the PM said. He pointed out that certain sections of the agreement are not valid anymore due to the actions of the President. "We will have to go to war again if this is not rectified,"

## LTTE child combatant escapes

Jan 7 - According to police sources, a 16-year-old LTTE female trainee-combatant, who surrendered to the Akkaraipattu police on 7 January, revealed that the organisation was still training children for combat. Atputha Raja Rega, in a statement to the police said the LTTE had renamed her as Mailarasi, after they had abducted her on December 7 last year at Palukamam in Batticaloa in eastern Sri Lanka.

She has told the police that at the time of her abduction she was being adopted by a relative as both her parents were dead. According to her statement she had been abducted by the LTTE while she was on her way to school. She had then been taken to Kudumbimalai LTTE camp in Ampara and given rigorous training including in the use of heavy weapons. She said over 2000 women cadres were being trained and there were a number of children like her who were being put through combat training.

She told the police she had been able to escape from the LTTE camp on 4 January and had returned to Thirukkovil. She has appealed to the police to provide her a secure place to stay as she was unable to return to her native place as her life would be in danger.

OIC Akkaraipattu police T.M.I.M Buhary has informed the UNICEF, Red Cross and Sri Lanka Monitoring Mission (SLMM) in Akkaraipattu of her appeal.

## LTTE threatens soldier's wife

Jan 8 - The wife of a Tamil soldier of the Sri Lanka army has complained to the police that two members of the LTTE pistol gang had threatened her that her husband should either serve them while working in the army or face death.

The incident had taken place at Vamangama, 2nd Lane in Batticaloa while the woman had been returning from home after marketing at around 10.p.m. on January 4. The two LTTE cadres had come on bicycles. The soldier was identified as Kulendra Kumar.

### JVP calls for PM's resignation

Jan 8 - The Janatha Vimukthi Peramuna (JVP) today called for the resignation of Mr.Ranil Wickremasinghe from the post of Prime Minister and from the current parliament if the Prime Minister wanted to withdraw from the two year-old ceasefire agreement (CFA) he signed with the LTTE..

The parliamentary group leader of the JVP Mr.Wimal Weerawanse addressing a press briefing said, "what else Ranil Wickremasinghe could do other than resigning the post of Prime Minister and from the parliament if he is unable to become a party to the CFA without defense ministry portfolio."

Ranil Wickremasinghe had signed the CFA in a disputed manner in order to please the LTTE and now he is attempting to move away from the agreement in a similar manner, he said.

Mr.Weerawanse appealed to the President not to take the responsibility of the ceasefire agreement at this juncture and urged her to allow the masses to decide in this regard.

The CFA signed two years ago with the LTTE was meant to weaken the military strength of the Sri Lanka government which the LTTE wanted. LTTE's aim would be fulfilled if the defense ministry were returned to the United National Front government, Weerawanse said..

Referring to the claim by Mr.Wickremasinghe that under the CFA the defense ministry should be kept under the Prime Minister, Mr.Weerawanse said no such clause was included in the CFA. Weerawanse asked Ranil Wickremasinghe to point out under which clause it has become impossible for him to carry forward the peace process without the defense ministry portfolio. He said the main objective of Wickremasinghe was to maintain the CFA and drag the peace process until he became the executive president of the country.

## SLMM calls for LTTE explanation

Jan 9 - The Sri Lanka Monitoring Mission (SLMM) Acting Chief Hagrup Haukland has asked explanation from LTTE Political Wing Leader S. P. Thamilselvan as to why the LTTE in Trincomalee detained two of their monitors for nearly two hours at gunpoint on 5 January.

According to SLMM spokeswoman Agnes Bragadottir, the SLMM Acting Chief wrote to Thamilselvan in this regard on 8 January since there was no reaction to the inquires made from Colonel Pathuman, the LTTE military wing leader in Trincomalee, regarding the incident. Bragadottir told the press that LTTE cadres at gunpoint, south of Trincomalee, detained two of their monitors from the Trincomalee office for nearly two hours while they were on routine patrol in the area. "The LTTE had detained the two monitors from 4.30 p.m. to 6.30 p.m. on Monday 5 January while on routine patrol in the LTTE controlled area," Bragadottir said. "The two monitors were released later," she added

## CFA has become defective – Peiris

Jan 9 - The government media spokesperson, Minister G.L.Peiris said today that Prime Minister Ranil Wickremesinghe had decided to withdraw from the current peace process as the ceasefire agreement (CFA) has become defective with Ms.Kumaratunge's take over of the defense ministry.

Addressing the cabinet press briefing Mr.Peiris said the peace talks rely on the success of the ceasefire agreement (CFA). The agreement is binding on the security forces, police and prison officials. The Prime Minister is bound to fulfill this condition as a party to this agreement, said Mr.Peiris.

He added the Prime Minister was empowered with the responsibilities and authority at the time of signing the CFA. President's take over of three Ministries had disrupted the peace talks, which relied on the CFA. The CFA had been drafted taking into consideration the ground situation prevailing at the time of signing of the agreement. "The Prime Minister is not able to fulfill the relevant responsibilities as he presently does not have these powers," said Mr.Peiris.

The President has no right to request the Prime Minister to take forward the peace process while keeping three key ministries, defense, interior and mass communication with her, Mr.Peiris said.

The government has no problem regarding the take over of three key ministries by the President. But Ms.Kumaratunge should bring the necessary amendments to the CFA through Norwegian facilitation to take the peace process forward, he said.

## Two LTTE cadres surrender

Jan 10 - Two female LTTE cadres escaped and surrendered on Thursday 8 January to the Mooramale army check point having fled from the Kodigamam LTTE camp, OIC Kodigamam police Gamini Senadeera said. The girls who were handed to them for investigation had said that they had been forcibly abducted two years earlier and had been undergoing training since then. They said there had been over 100 others under training at the camp. The girls are to be produced in court and then released to their parents, police said.

## Leaflet warns of war

Jan 11 - "War would be inevitable if Sri Lankan leaders insidiously reject the LTTE's Interim Self Governing Authority(ISGA) proposal and if they consider this peace period as a time to cheat," warned a leaflet issued in Jaffna today by an organisation called Tamil National Awareness Movement.

"The Sri Lankan government and President are both responsible for the current impasse in the peace process. The Sri Lankan President took over the ministry of defence because she could not face up to the LTTE's ISGA proposal.

"She expressed opinion about the ISGA proposal only after Indian officials said what they thought about it. Even then she was only repeating the opinion of Indian officials. The Sri Lankan (Prime Minister Ranil Wickremesinghe's) government too did not express its opinion on the LTTE's ISGA proposal. Prof. G. L Pieris said there is a big gap between the Tigers' position and that of his government. But his government did not state its position on the ISGA proposal.

"The LTTE abided by, and upheld, the ceasefire even after Sri Lankan armed forces killed 25 Tigers, even after the LTTE was kept out of the Washington conference, even after Colombo avoided responding to the ISGA proposal," the leaflet charged.

The Tamil National Awareness Movement (Thamil Thesiya Vilippunarvu Kalaham) gave its address as Thamil Eelam.

### NPM calls for general election

Jan 11 - The National Patriotic Movement (NPM), of which the JVP is the main constituent unit, said that the only way to solve the

current political impasse is to dissolve the parliament and call for fresh general election. "This is the wish of the general public and intelligentsia of the country,"said Janatha Vimukthi Peramuna (JVP) parliamentary group leader Mr.Wimal Weerawanse at a press briefing held by the NPM.

Mr.Weerawanse said there was dissension among the leaders of the United National Front government. The Prime Minister states that he has withdrawn from the ceasefire agreement. But Minister Professor G.L.Peiris has contradicted this stand stating that Wickremesinghe has not withdrawn from the ceasefire agreement completely. He said that the Prime Minister's statement about his withdrawal from the CFA is meant to intimidate the people and the executive President of Sri Lanka.

NPM activist Mr. Gunadasa Amerasekara said the President's take over of three key ministries including the defense and the disruption of peace process are not related. The LTTE has already withdrawn from the peace process in April last year. The UNF government was trying to hoodwink the masses by the saying that the President by taking over the three ministries had disrupted the peace process, he said. The Prime Minister has indirectly admitted his incompetence to govern the country by asking the President to take over the current peace process by amending the ceasefire agreement he signed with the LTTE, Mr.Amerasekara further said.

## LTTE denies detention of Monitors

Jan 12 - Trincomalee district political secretariat of the LTTE today said "there is no truth in the statement by the media spokesperson of the Sri Lanka Monitoring Mission (SLMM) to BBC that the LTTE detained two monitors in Trincomalee district on 6 January, 2004."

'"We are shocked and dismayed over the statement made by the SLMM spokesperson to the BBC radio on January 11," said the LTTE statement. The LTTE Trincomalee district political secretariat has requested the SLMM to avoid from issuing such untrue statements in future.

Full text of the LTTE statement follows:

"Two monitors of the SLMM in Trincomalee on 6 January this year entered our camp run by female cadres disregarding their warnings, without prior notice and without our permission. Our cadres prevented them from entering the camp. SLMM Trincomalee head Mr.Kurt Spur brought this matter to our notice. We explained to Mr.Spur the facts about the incident. Mr.Spur accepted our position and tendered an apology for the incident. Thereafter the two SLMM monitors decided to return to their office in Trincomalee.

"The Norwegian ambassador who visited Sampoor on January 8 held discussion with our military commander Colonel Pathuman. During the discussion we brought to his notice the entry of two SLMM monitors into our camp without permission was wrong. We requested the Norwegian ambassador to visit the site where the incident took place. However a decision was taken at the discussion to adopt a procedure that is to be implemented by both parties to avoid such incidents in future."

## No decision on general election yet

Jan 13 - President Mrs Chandrika Kumaratunge dismissed media speculation that the current parliament would be dissolved on January 26 in preparation to a fresh general election. "I have not taken any decision regarding holding a general election. However I have been studying several requests for a general election," said Ms.Kumaratunge at a conference held at the President's House 12 January.

Mrs.Kumaratunge met with provincial councilors, electoral organizers, parliamentarians and heads of local authorities of the Peoples' Alliance (PA) in the Uva and North Western Provinces and discussed with them in detail on holding provincial council elections as a prelude to the parliamentary elections, according to PA sources.

## Complains of death threats

Jan 13 - Senior Deputy Leader of the Sri Lanka Muslim Congress (SLMC), A. L. Abdul Majid has said that he and his family members were facing constant threats to their lives from the LTTE and other sinister elements.

Majid who is also a Private Secretary to Minister Rauf Hakeem had also written to President Chandrika Bandaranaike Kumaratunga informing her of the threats to his life and that of his family members. He has requested for police security at his residence in Sammanthurai and also personal body guards.

Majid told the press that he was prompted to write to the President following the latest attack on his house and property, which was carried out by an unidentified armed group.

"The incident took place during the early hours of December 29," he said. "Members of my family in Sammanthurai live in fear consequent to this incident. I am unable to be with my family at Sammanthurai because of my duties in Colombo," Majid said. He said he came under attack during the 1999 Presidential Election. The suspects were identified as UNP supporters. He suspected the involvement of an Ampara District UNP MP in this attack. Majid said no suspects have been arrested so far in this connection. My sister Asiya Umma (47) and her daughter Benazir Begam (16) were killed in the attack while they were going to pray. He also said he had received numerous threats from the LTTE since then.

Majid said, he had been under heavy attack by the LTTE in 1990 and was rescued by the former Brigadier of the Ampara Division Daluwatta who transported him and his family under security in army trucks up to Padiyathalawa. "Thereafter I had to live in Akurana away from my home town for three years under difficult conditions until the LTTE left that area," he said.

## Chief Magistrate withdraws from case

Jan 13 - Colombo Chief Magistrate T.B. Boyagoda who was expected to give a verdict on the issuing of a warrant to Sri Lanka Cricket and Telecom Chairman Thilanga Sumathipala, withdrew from the case and requested another judge to take up the matter.

Even though Judge Boyagoda reportedly claimed that he had decided to excuse himself as certain media had questioned his hearing of the case, he also added that he was unable to issue warrants to Sumathipala as he was hospitalised. Following Mr. Boyagodas request for another judge to take up the matter, the next hearing has been set for January 19.

When the case was called today, Mr. Sumathipala's lawyer Lakshman Ranasinghe said his client has undergone an operation at a private hospital and submitted documents for proof. State Counsel Vijith Malalgoda, who raised objections pointed out that a proper document for its consolidation was necessary. Thereafter, the magistrate ordered that the case be taken up again at 2.30 pm and to submit a report to prove that the suspect had undergone surgery. However, this document was produced only at 3.35 pm. This medical report revealed that Mr. Sumathipala had not been operated. State Counsel Malalgoda said this was an attempt by the suspect to evade the arrest. As such he urged the magistrate to issue a warrant for his arrest, to which the magistrate replied that a warrant could not be issued as medical reports indicate the suspect is hospitalised.

## Longer A9 opening if ICRC consents

Jan 14 - The Sri Lanka army told a delegation of religious and civil society leaders in Jaffna that the Vavuniya-Jaffna link road A9 could be opened for more hours for the convenience of the public if the International Committee of the Red Cross consented. The delegation of the People's Council for Peace and Goodwill (PCPG) comprised the Catholic Bishop of Jaffna, Rt. Rev. Thomas Saundranayagam, the chief incumbent of the Nallai Aatheenam, Ven. Somasundara Paramaachchariya Swamigal, the President of the PCPG, Mr. D. R Arumainayagam and several civil society leaders.

The PCPG met the Sri Lankan security forces commander for Jaffna, Maj. Gen. Susil Chandrapala, Maj. Gen. T. T. R Silva and the Senior Superintendent of Police for Jaffna Mr. Harold Anthony at the Bishop's House in the northern town for discussions on measures for restoring of normalcy in the northern district.

The military told the PCPG delegation when it took up the problems faced by fishermen in the peninsula that army pass system for fishing cannot be removed and that fishermen cannot return to shore at night. The military also told the PCPG that the checking of students, teachers and others going to the Tellipalai Union College and Mahajana College cannot be stopped.

The PCPG quoted the Sri Lankan security forces officers as saying: 'we want the people of Jaffna to have trust in us. We will take action if any wrong perpetrated by members of the Sri Lankan security forces in Jaffna is reported to us'. The PCPG delegation urged the Sri Lankan security forces (SLF) officers to open the Kerathivu-Sangupiddy causeway linking Jaffna with the western sector of the mainland Vanni. The SLF officers told them that they would take the matter into consideration and give their response at the next meeting.

## NE rehabilitation

Jan 14 - The Asian Development Bank (ADB) and Government of Sri Lanka today signed first part of an US$80 million loan package to address the immediate rehabilitation needs of almost 2 million conflict-affected people in the north and east of the country, said a press release issued by the Sri Lanka Resident Mission of the ADB. At the signing, for the first $50 million of the two-part loan package, ADB was represented by Mr. John R. Cooney, Country Director for Sri Lanka. Mr. J. Charita Ratwatte, Secretary, Ministry of Finance, represented the Government of Sri Lanka. The package provides funding for the Conflict Affected Areas Rehabilitation Project, ADB's first response to the needs assessment of conflict-affected areas it carried out with the Government and Sri Lanka's development partners early in 2003. The balance of the US$107.9 project cost will be funded by the Government.

The project will focus most of its activities on the most-severely conflict-affected districts: Jaffna, Mannar, Kilinochchi, Mullaittivu, Vavuniya, Trincomalee, Batticaloa, and Ampara. In these areas it will rehabilitate essential infrastructure, including 500 km of national highways and power transmission and distribution systems, and restore community livelihoods.

The North East Provincial Council will coordinate the project on a day-to-day basis, including managing the essential interaction with beneficiaries, communities, and the LTTE, and will implement the project's critical community develop component. Within this structure the Road Develop Authority will manage the road rehabilitation component, the National Water Supply and Drainage Board the Jaffna water supply component, and the Ceylon Electricity Board the power component.

## PM commits to ceasefire truce

Jan 14 - Prime Minister Ranil Wickremesinghe said today that his government would continue to implement the provisions of the cease fire agreement with the Liberation Tigers for restoring normalcy in the northeast. He was addressing a forum for peace and democracy at the Sri Lanka Foundation Institute in Colombo Wednesday.

The Sri Lankan PM reiterated his position that his government cannot do anything about Articles 1 and 3 of the cease fire agreement now.

Prime Minister Wickremesinghe said last week that some clauses of the CFA had become invalid after the President took over the ministries of defence and interior from him, referring to Articles 1 and 3 of the CFA. He said the peace process was a people's peace process. Therefore the people should come forward to protect it, the PM urged.

## Norway Ambassador meets Thamilchelvan

Jan 14 – Norway's ambassodor to Sri Lanka, Mr.Hans Brattskar met Head of LTTE Political Wing, Mr.S.P.Thamilchelvan today at the LTTE Peace Secretariat in Kilinochchi. Norwegian Ambassador, Counselor Mr. Tor Kubberud, Secretary Ms.Kjersti Tromsdal and advisor Mr.Vijay Loganathan arrived in a Sri Lanka Air Force (SLAF) helicopter for the meeting.

Speaking to local journalists after the meeting Mr. Brattskar said: "I wanted to come up here and see the situation on the ground and also discuss how people feel about their needs in light of a new delegation of donors coming up here on Monday 19th to look at the aid needs for the northeast. I think this is something which we spent quite a bit of time on – discussing aid issues. It was a very useful conversation for me and we also discussed Mr. Thamilchelvan's visit to Norway. He will be going to Norway probably at the end of January to have meetings with Mr. Helgesen and rest of the peace team there".

The Norwegian team visited the newly opened Planning and Development Secretariat and met with the Economic Advisor to the LTTE, Dr. Jay Maheswaran.

## Missing youth still not found

Jan 14 - Muslim youth, Niaz, from Sorikalmunai in Amparai, who disppeared on Friday 9 January is still missing. Nallaratnam Sivakumar who was arrested by Muslim youths and handed over to Kalmunai police has been transferred to the Batticaloa Police for further investigations, security sources said. Mr.Sivakumar was allegedly seen with the missing youth when he was last seen.

Niaz is from Natpittimunai village in Amparai district.

Muslim youths from Sorikalmunai who arrested Sivakumar have been combing the region for the last five days looking for Niaz. Police sources said that Niaz has been involved in cattle theft and dealing with stolen cattle for several years. Niaz and three others who went with him were fleeing from angry residents after arguments related to a previous theft last time Niaz was seen. Mr.Sivakumar was one of the three accompanying Niaz, it is alleged. Residents in Sorikalmunai and Savalakadai say that tension between the Muslim and Tamil communities escalating and villagers fear of violence breaking out.

## Aid to flow without break

Jan 15 - Despite the peace process being at a standstill due to the political stalemate, humanitarian assistance to the North - East will continue, government Peace Secretariat sources told the media yesterday.

Even though the ceasefire agreement could not be fully implemented by the government in the present circumstances the humanitarian assistance to the North-East has to continue uninterrupted, the spokesman said.

At a recently held meeting ways and means were explored how to continue with the humanitarian assistance without a break, he said. Officials and political leaders had agreed that even if some institutions such as the North East Rehabilitation Fund (NERF) becomes dysfunctional, the assistance should continue to flow to the targeted recipients through an ad hoc mechanism, he added. Meanwhile, on the initiative taken by the Rehabilitation Ministry, the German Government has agreed to release a sum of 4.7 million Euros as a grant for the next phase of the Jaffna Rehabilitation Project which has been renamed 'Northern Rehabilitation Project' on a request by the government to the German Technical Cooperation Agency (GTZ) which assists the government in implementing the rehabilitation programmes in the Northern Province.

GTZ has been implementing projects under the 'Jaffna Rehabilitation Project' in the Jaffna District since 1996, on the request of Sri Lankan Government to assist in the process of rehabilitation and resettlement of Internally displaced people and damaged social infrastructure of the Jaffna District. This project consists of 5 major components - water supply and maintenance of water supply schemes including emergency supply of water to welfare centres, school rehabilitation programmes, and sanitation programmes, rehabilitation of housing for facilitating the resettlement of returnees and social mobilization.

## Indo-Lanka defence cooperation meeting

Jan 15 - A three-member Defence Delegation headed by Mr Cyril Herath, Defence Secretary of Sri Lanka arrived in New Delhi on a three-day visit. The delegation held a meeting with the Indian delegation today. In the meeting they discussed about the mutual cooperation in military training and other defence related issues. Both sides also discussed the regional security senario and fight against the global terrorism. The discussion will continue tomorrow also. Earlier in the morning the delegation also met Defence Secretary Shri Ajay Prasad. The other members of the Sri Lankan delegation are Lt Gen LP Balagalle, Chief of Defence Staff and Commander of the Sri Lankan Army, Mr. Nigel Hatch, legal Advisor to the President of Sri Lanka and Mr. Mangla Moni Singh, Sri Lankan High Commission in India. The Indian delegation was headed by Defence Secretary Shri Ajay Prasad. The other members of the delegation were Vice Admiral Raman Puri, Chief of Integrated Defence Staff, Air Marshal M Mc Mahon, Vice Chief of Air Staff, Vice Admiral Arun Prakash, Vice Chief of Naval Staff, Shri Ranjit Issar, Additional Secretary, Ministry of Defence, Lt Gen PPs Bhandari Deputy Chief of Army Staff, Shri Tapan Roy, Joint Secretary, Department of Defence Productions and Supplies, Shri G Mukhopadhaya and Shri Arvind Joshi Joint Secretary, Ministry of Defence and Mrs Neelam Deo Joint Secretary Ministry of External Affairs. ❑

# A brief survey of schools in northern Sri Lanka

N Ananthani

**Background**

The peace process following a twenty-year war in Northern Sri Lanka signalled a time for development and progress. Having lived abroad most of my life, I returned to Northern Sri Lanka with a background in research and education. The trip was designed to gauge the needs of schools and to extend my awareness of education in Northern Sri Lanka. The needs of schools assessed include a range of resources such as school buildings, water and electricity, books and computers. My interests in Education Development in Sri Lanka were mainly inspired by the late Mr Sivagnanam. He was an inspirational teacher and an educational innovator who worked in Britain as a teacher, for the Voluntary Service Organisation and in Northern Sri Lanka within development. This article has been compiled for Tamil Times based on a full report.

**London/Colombo**

Prior to the trip I contacted Cambridge Education Consultants (CEC) who are currently conducting a primary mathematics project through the National Institute of Education (NIE) in Colombo. This proved to be an invaluable step into preparing for my trip in Sri Lanka. On landing in Colombo, I met Mr Sibli at the NIE who had worked in the Northern Provinces and was in charge of education development in the Northern region. A few hours with Mr Sibli comprised of acquiring contact names in various Education offices in the Northern regions accommodation in Jaffna, flights to Jaffna and a brief overview of the education system in Sri Lanka.

The education process in Sri Lanka begins at the age of five when pupils enter primary education. Pupils complete the Grade 5 scholarship exams at the age of eleven after which they enter a range of secondary schools depending on their grades. There are three types of secondary schools. Type 1 schools teach up to Advanced Level (A' Level) and is sub-divided into Type 1A, B and C. Type 1A and 1B secondary schools teach up to science A' Levels and Type 1C which teaches humanities up to A' Level. Type 2 schools teach up to Ordinary Level (O' Level) and Type 3 teaches up to Grade 5 or 9.

**Killinochi**

Travelling north on the A9, my first stop was at Killinochi. This was surprisingly a thriving, energetic and young town with evidence of de-mining along the A9 as well as development work being conducted by locals and Non-Governmental Organisations (NGO) from around the world. I was visiting a friend, Shyamala, who was working with a Japanese NGO. This being my first visit to Killinochi, I was immediately taken by the tranquillity and friendliness of the place. One also begins to pick up on the unwritten rules of the area such as; speed limit of 30, cyclists will not ride in parallel and single men and women do not share scooters. One of the more remarkable and inspirational projects currently being undertaken along the A9 in Killonochi, is Vanni Tech. It is an institute designed to promote and educate information technology within an American semester system with aspirations of conducting degree courses. The building comprises of air-conditioned rooms with computers and a library. Vanni Tech hopes to extend its library to a desperately needed general library for the people of Killinochi.

Driving off the A9, my first school visit was to a school in Maankulam called Karipatta Murrippu with a pupil roll of 138. This school had recently been de-mined and a new primary school funded by the government had been built in the place of the building that had been bombed in 1997. The pupils at this school had been displaced during heavy bombing and shelling and had now come back to school. Due to the shortage of teachers in the Vanni area, teachers are recruited from Jaffna. Jaffna teachers in this situation, live in unaccustomed impoverished conditions, away from family and are often de-motivated. Voluntary teachers are also recruited to fill these vacancies and work in schools for Rs 500 per month which is a mere £3, in the hope that they might be given more permanent jobs at national salary levels and a pension.

Later on in the day after talking to members of the Education Office in Killinochi, I visited Killinochi Central College. The school had been bombed in 1996 and did not have a roof in most parts of the school, leading to some lessons being conducted under trees. The school had resumed quite recently following the completion of de-mining of the school compound in early 2003. A well had also been built recently for the provision of clean drinking water and this is a common feature in schools in Killinochi and Jaffna.

**Jaffna**

After a day and two nights in Killinochi, I was on the A9 again driving towards Jaffna. The drive into Jaffna was bleaker and bore the many scars of war. Broken palmyrah palms, desolate houses, bunkers, army personnel and AK47s became common sight.

During the five days in Jaffna, eleven schools were visited in the Jaffna province including schools in Kokuvil, Urumpirai, Nallur, Achallu, Achuveli and Jaffna town. This was possible mainly due to the kindness and support of Mr Swaminathan at the Jaffna Education Office who took me to a range of schools in the Jaffna province. The following is an overview of observations made in schools in Jaffna.

Schools in Jaffna proved to be a stark contrast to schools in Killinochi. Most had been de-mined some time ago and were in progress. Others had not been affected so badly and had extended in capacity and resources. Following the start of the peace treaty, most pupils had returned to full time education at their original school. However some schools, such as the J/ Vasavilan Maha Vidyalaya, which was originally based in Palali continues as

a displaced school in Urumpirai in peace times. This is because the original school stands in an army base. As a displaced school, J/ Vasavilan receives restricted resources and financial support from the government. Government aid came in the form of tin sheets for use as walls. However, there was a recurring contribution to many schools including J/ Vasavilan from a German Non-Governmental Organisation, German Technological Zone (GTZ). The GTZ provides furniture and toilet facilities for many schools in the Northern region. The United Nations Human Commission of Refugees had also contributed towards providing resources to J/ Vasavilan. The school occupied land and homes that had been abandoned during the war and was proving to be successful in the area. Even more inspiring was its organised use of limited computer facilities with an allocation of 1 hour per week on computers for the lower school. Computers are readily donated by Old Girls' and Old Boys' organisations abroad to the more privileged schools leading to a tier system amongst schools based on number of computers. However the efficient use of computers, which are on the increase in Northern Sri Lanka, needs to be studied together with the need for technical support.

As a chemist one of the more delightful experiences, was observing a Bunsen burner being lit in Jaffna. At the Iddaikadi Mahavidyalaya in Achuveli, methane gas is produced from cow dung in a cylinder that is then transported via pipes to the chemistry laboratory. Most laboratories have limited facilities following the war when chemicals were banned from being used in schools. In contrast to the prominence and status given to computing facilities, books were usually very limited or outdated (from the 1960's or 1970's). Some schools such as Achuveli Central College and Achallu Saiva Prakasa Vidyalaya did not have libraries whereas Kottadi Namasivaya Vidyalaya in Jaffna had a very empty brand new, government-funded library.

**Conclusion**

The six days of information gathering, discussion and observation in Killinochi and Jaffna gave me a practical insight into the needs of schools in the Northern regions. Although this project began by recording data and evaluating the needs of schools in the Northern regions, it soon became apparent that despite constraints, innovative ideas, perseverance and inspirational teaching also needed to be recognised. A school education in Northern Sri Lanka takes on a different dimension in that, it provides not just an education but a sense of routine and stability in a region where war has been the norm for the past twenty years.

I would like to thank Mr J. Ross of Cambridge Education Consultants for pointing me in the right direction, Mr Sibli of the National Institute of Education, Sri Lanka for his vast array of information and advise, Mr Valluthi and Mr Swaminathan for taking me to the various schools in Killinochi and Jaffna and finally Mr S. Vireswer for his invaluable support and enthusiasm.

(continued from page 28)

constitution allows that every nation, nationality, and people in Ethiopia has an unconditional right to self-determination including the right to secession. As there is no such provision with regard to secession in the ISGA, the LTTE is clearly advocating internal self-determination and indicating their genuine intention to remain within a united Sri Lanka.

The preamble relating to the right of self-determination needs also to be interpreted in accordance with international law. There is an interesting case decided by the Supreme Court of Canada relating to this issue. (Nelson - Political science - Canadian Politics on the Web/Quebec). Certain questions were referred to the Canadian Supreme Court by the Governor-in-Council. In August 1998 the Supreme Court issued its carefully worded ruling to all these questions. One question was - Does a province have a right to secede from Canada under international law. According to the Supreme Court of Canada, a right to secession only arises under the principle of self-determination of people at international law where "a people" is governed as part of a colonial empire; where "a people" is subject to alien subjugation, domination or exploitation; and possibly where "a people" is denied any meaningful exercise of its right to self-determination within the state of which it forms a part.

In other circumstances, peoples are expected to achieve self-determination within the framework of their existing state.

Sri Lankan Tamils are neither governed as part of a colonial empire nor under foreign occupation. However, Tamils can argue that they have been denied meaningful access to pursue their political objectives and therefore, they are entitled to unilateral secession. This is extremely difficult because Sri Lanka is a liberal democratic country, and the international community always prefer to support internal self-determination rather than external self-determination.

Self-determination is also linked to territorial integrity of a country. The Canadian Supreme Court also mentioned as follows: "A state whose government represents the whole of the people or peoples resident within its territory, on a basis of equality and without discrimination, and respects the principles of self-determination in its internal arrangements, is entitled to maintain its territorial integrity under international law and to have that territorial integrity recognized by other states."

The above decision is consistent with the UN Declaration on Friendly Relations 1970 adopted by the General assembly that upholds the right to self-determination. Para 7 of the Declaration states: "Nothing in the foregoing paragraphs shall be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign states conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or color."

In summary, the LTTE's proposal on the right to self-determination of peoples is within the Oslo declaration and they are addressing only the right to internal self-determination. However, Sri Lanka has an obligation under international law to respect the principle of self-determination in its internal arrangements for the Tamils and also to have a representative government on the basis of equality and without discrimination. Finally, the ISGA proposal is on the table to negotiate and bridge the gap. ❑

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***Aunty*** *seeks partner for niece, 32, Engineer working in Colombo. Any professional considered. Please ring Kamalam 020 8991 9748 in UK (M 1379)*

***Jaffna Hindu parents*** *seek Doctor/ Dentist/ Professional, fair bride for their son, 32, 5'8", M.Sc. qualified IT Consultant and sole owner of property company with many houses in London. Please send details.*
*M 1380 c/o Tamil Times.*

***Jaffna Hindu parents*** *seek for professional attractive daughter, born and brought up in UK, a suitable partner between 31 – 35 of similar background. Please reply with details and horoscope.*
*M 1381 c/o Tamil Times.*

## About People and Events

### OBITUARY

***Mr. Sithamparanathan Vadivetpillai*** *of 45 Chetty Street, Nallur, Jaffna son of the late Mr. Sithamparanathan and Aachimuttamma of Uyarapulam, Anaicoddai; beloved husband of the late Visalatchi; loving father of Satchithananthan (France), Sithamparanathan, late Jayanthy and Damayanthi (UK); sister of Mrs Kamaladevy Kandiah (UK); father-in-law of Kesari (France), Uthaya, Elango (France) and Kuheswaran (UK); grandfather of Sutharshini and Sujeevan ( both of France) passed away on 6th January 2004. After the performance of the funeral rites, the cremation took place at the Galkissa crematorium on 8th January. The members of the family wish to thank all friends and relatives who attended the funeral, sent floral tributes and messages of sympathy and assisted them in several ways during the period of bereavement.*
*–120/3 Galle Road,Dehiwela, Sri Lanka. Tel: 2716442*

## IN MEMORIAMS

### First Year Remembrance

*In ever loving memory of Mr.**Rajaratnam Thanabalasoorlar,** Retired Head Guard, Ceylon Government Railway of Nallur, Jaffna on the first anniversary of his passing away on 2nd January 2003.*

*Sadly missed and fondly remembered by his beloved wife Menakai; loving children Sumathy Sritharan and Sriram; much loved grandchildren Gajan, Kumaran, Luximi, Ratha, Gobi and Aarthi; son-in-law Sivathillainathan; daughters-in-law Rajini and Parasakthy; sisters Sivam de Costa and Parameswary Sivapragasam; sisters-in-law Sarojini Sothinathan and Sakunthalai Sivaramalingam.*
*- 29 Fairlawn Court, Cherry Orchard Estate, Charton, London SE7 7DS. Tel: 020 8319 0322.*

### Fourth Year Remembrance of Sivapackiyam Muthukumarasamy

***Though this life without you***
***To endure we endeavour,***
***Our loss, our sorrow blinds our way.***
***In our hearts you will remain for ever,***
***And every day, for you we pray.***

*Sadly missed and fondly remembered by her loving husband, children, and grandchildren and in laws.*
*- Mr. K. Muthukumarasamy,*
*2 Raybell Court, Linkfirld Road,Isleworth, Middx TW7 6QJ.*

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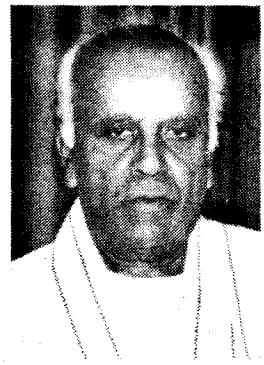
## Fourth Year Remembrance

*In ever loving memory of* ***Mr. Gregory Joseph,*** *formerly of Cement Corporation (Kankesanthurai and Puttalam) and of Nigeria on the fourth anniversary of his passing away on January 18, 2000.*
*Sadly missed and fondly remembered by his loving wife Erin, children Dr. Eugene, Enakshi and Hyacinthe; daughter-in-law Dr. Sharmini; son-in-law Paul Wood and daughter-in-law Noeline.*

*- 338 Meadowood Lane, Vadnais Heights, Minnesota 55127, USA.*
*Tel: 651 482 7558.*

## Second Year Rememberance



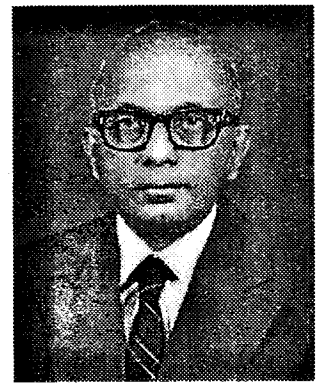
*In loving memory of* ***Mr. Rasiah Kandiah,*** *Retired Principal Kokuvil Ramakrishna Saiva Vidyalayam and Navatkuli Maha Vidyalayam who passed away on 21st January 2002.*

***Although every step seems like a test***
***And every breeze, a storm suggests,***
***Believe us that we try our best***
***To remember that now your soul***
***Is still, is peaceful, is at rest.***

*Beloved husband of retired teacher* ***Somamma,*** *a loving father and father-in-law, a great and wise grandfather, a noble friend to many, a man whom the world shall never forget.*

*- 'Yarl', 5 Lower Sand Hills, Long Ditton, Surrey KT6 6RP.*

## Mr. S.K.Mathiaparanam of Melbourne, Australia



*Lived to help others live,*
*Simple but noble,*
*Backbone and never in front,*
*Family first and first for many families,*
*Leftist with the right ideas,*
*Prayed and never preached,*
*Taught and learnt,*
*Talked never lectured,*
*Sharp and never blunt,*
*Institution and part of it too,*
*Respected but never expected respect,*
*Lead and never wanted to be a leader,*
*Liked politics but never a politician,*
*Looked at the past to look into future,*
*Cared for many but did not want to be cared by any,*
*Told stories but not want to be a part of any story,*
*Hated injustice but was never there to judge,*
*Lost at times but never at loss,*
*Was on time all the time but much too early last time.*

*God wanted such a man and his name is Mathi,*
*To make him his good company,*
*For us, a good contact though, for favours from up there,*
*But you know, Mathi won't do a thing that is not fair.*

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## Anniversary Remembrance

*In loving memory of* ***Mrs. Ganeswary Tharmalingam*** *of Kondavil East, Jaffna on the eleventh anniversary of her passing away on 21st January 1993.*
*Sadly missed and fondly remembered by her loving husband Tharmalingam; children Brabalini, Bremjit and Ranjit; son-in-law Dr. W. N. Linganandhan; daughters-in-law Dr. Vani Bremjit and Shamini Ranjit; grandchildren Abhirami, Sathya, Praneeta, Prasheeda, Prashoban, Praveen and Anjana*

*– 5 Beaulieu Boulevard, Beaulieu Park, Chelmsford,Essex CM1 6EA. Tel: 01245 466363.*

## FORTHCOMINGS EVENTS

***February.***
***1.*** *Sukkla Eekathasi*
***2.*** *Feast of the Presentation of the Lord Jesus Christ*
***3.*** *Pirathosam*
***5.*** *Fullmoon; Thai Poosam; Feast of St. Agatha*
***8*** *Feast of St.Jerome Emilian*
***9*** *Sankadakara Sathurthi*
***11*** *Feast of Our Lady of Lourdes*
***16*** *Krishna Eekathasi*
***17*** *Pirathosam*
***18*** *Maha Sivaraththiri*
***19*** *Amavasai*
***20*** *Feast of St. Peter Damian*
***23*** *Sathurthi; Feast of St. Poly Carp*
***25*** *Shashti*
***26*** *Karthigai*

***At Bhavan Centre, 4A Castlle-town Road, London W14 9HQ. Tel: 020 7381 3086/4608. Website: WWW.bhavan.net***

***Feb. 18*** *7 p.m. Maha Shivarathri – Pooja, Cultural Programmes and Prasad. All Welcome.*

***Feb. 29*** *6 p.m. Concert by Guru Sri Vijaya Jagtap and his students.*

## WEDDING BELLS

We congratulate
the following couple
on their recent wedding.

***Premila,*** *daughter of Mrs. S. Sivanesan, 49 Langham Gardens, Winchmore Hill, London N21 and late Dr. M. Sivanesan and* ***Robert*** *son of Mr. and Mrs. J. Shakespeare, Blackpool on 29th December 2003 at the Registry and Beautiful South, Enfield.*

## Jaffna Hospital receives a positive response to their Appeal for a "Haemofiltration unit"

*I had the privilege of being invited as a friend and guest to a party organised at the Ruislip County Club. London, UK, by the children, of Mr T Puthirasing-am to celebrate his 75th birthday. 'No gifts please' was the polite request made in the invitation, but they could donate cash or cheque towards the fund to purchase a Haemofiltration unit for the Jaffna Teaching Hospital (appeal in Tamil Times of Sept'03). I am told that they responded with a substantial sum of £1300.*

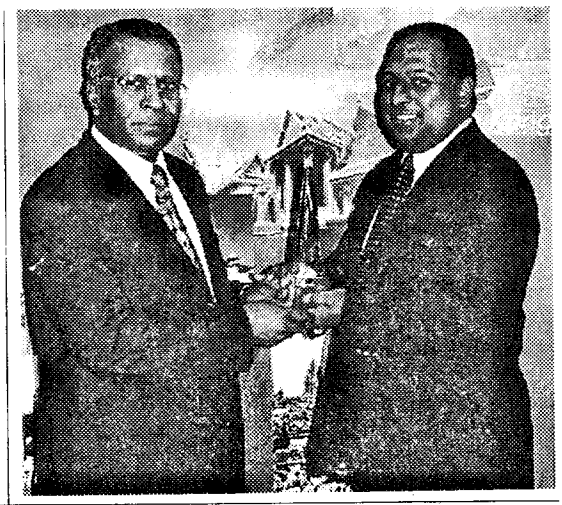
*The children deserve to be congratulated for the brilliant way they had organised the function with about a hundred people from about forty close families and friends. It was all the more creditable as it was absolutely a surprise party for him, giving greater significance to their expression of grateful sentiments. Further the inclusion of the element of charity in lieu of gifts added more purpose to the function, and, I consider it a very welcome gesture worthy of emulation.*

*Wishing him and his family many more years of peace and happiness.*

***P. Kanagasabapathy***
*Former Principal, Mahajana College. Tellepallai and Multicultural Consultant, Education Board, Toronto, Canada.*

## LINK AIR Sales Team Effects Highest Sales to South India and receives Major Award from Srilankan Airlines

(from l to r) Mr. Manoj Gunawardene, Head of Srilankan Airlines, UK, Ms.Santhusti Jayatilleka, Mr.Sivasubramaniam, Head of Marketing & Sales, Link Air, Ms. Naina Harry, Mr.Jeremy Soertsz, Head of Marketing & Sales, Srilankan Airlines & Ms.Marie Rix)



Mr. Sivasubramaniam (left) Head of Marketing & Sales, Link Air receiving the Award from Mr. Manoj Gunawardene (Right) Head of Srilankan Airlines, UK.

# Maldives grants double honours for Sri Lankan pedagogue

*Miss.Shanthamma Sangarapillai hailing from Puttur, Jaffna in Sri Lanka had her early education at Methodist Girls' High School, Point Pedro. After graduating in Science at the Madras University, she joined the staff of Aminya school, Male, Maldives in July 1963. She had a dedicated continuous service of forty years in the same school rising to positions of supervisor and head of Department of Chemistry and Science. She had the rare privilege of teaching and moulding the careers of three generations of students, most of whom holding coveted positions in the Government and Commercial sectors. Among the many of her students she counts the first lady, a number of Ministers and Ambassadors for Maldives. She became a pensioner of the Government of Maldives and many had a word of praise for her dedication and selfless service including an appreciation from the President of Maldives Maumoon Abdul Gayoom who was a one-time colleague of her in the same school. Her greatness was in her flexibility to adapt herself to ever changing Science curriculum which fact was greatly appreciated and commended by visiting foreign educational teams. Even after retirement she continues her service to the school and community. The Government of Maldives in appreciating her services has granted her a second pension, making her the first foreign national to be granted such a second pension. Miss.Sangarapillai has done proud to the teaching community and to her country of origin and is a role model for our younger generation being worthy of emulation.*

**V.Sivasupramaniam, Seychelles**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